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HISTORY OF ROME,

AND OF THE ROMAN PEOPLE,

FROM ITS ORIGIN TO THE INVASION OF THE
BARBARIANS.

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employed; the use of tools requiring four times the number of laborers we employ; the miserable condition of the country roads, which were nothing more than bridle-paths, impassable for wheeled vehicles, reducing the transportation to such loads as could be carried on the back of a horse or ass to the city or the sea; and finally, the prohibition of the export of corn out of Italy, — rendered

GOATHERD.¹

this form of agriculture unprofitable, and led those who had grain-lands to regard themselves as unfortunate.

Cato places this kind of property in the sixth rank, and classes above it vineyards, olive-trees, and grass-lands. These latter became more extensive every year, for the reason that the holders of public lands having no real ownership, were not willing to build or plant, and because, moreover, the return was very considerable. The pastures supported a great number of sheep, furnishing wool of which all garments were made, milk, cheese, and lambs, which, with pork, made then, as now, the staple of the Italian cuisine for *fête*-days.

¹ Miniature in the MS. *Vergil of the Vatican*.

The habitual diet was vegetable, — corn, barley, and millet, with the addition of figs, grapes, olives, radishes, and garlic; upon the coast, shellfish; in the interior, salt-fish; upon rich farms, goats, chickens, pigeons, and hares. Everywhere they consumed much wine and oil, so that we may say that these two staples, with wool, were the chief products of Italian industry; and as such they were long protected by a law forbidding the Transalpine nations to



A SHEPHERDESS AND HER FLOCK.²

plant vines or olive-trees.¹ But the manufacture of wine and oil are agricultural industries which require capital and labor in order to be productive. The rich alone possessed these; and the petty farmer, who once fed the city of Rome, had no longer anything to bring to that vast market, whence his corn was driven out by the African, Sicilian, and Sardinian harvests, cultivated to better advantage by the help of droves of

slaves and in more fertile soil, — and where his other produce was undersold by that of the great land-owners.

In modern times the equilibrium is preserved by diversity in the sources of fortune, no single class having a monopoly of them. Farmers, manufacturers, merchants, constantly replenish that middle class which is the surest guardian of liberty. At Rome, where mercantile affairs were in the hands of great companies served by armies of slaves, and manufactures were carried on by a multitude

¹ *Transalpinas gentes oleam et vitem serere non sinimus, quo pluris sint nostra oliveta nostraeque vineae.* (Cic., *de Rep.* iii. 9.)

² From a Pompeian painting. (Roux, *Herculanum et Pompéi*, vol. iii. pl. 5, 5th series.)

of foreigners and freedmen, there was for the individual only one path open,—the ownership of land and the pursuit of agriculture; but the land was diminishing in value every day, and the farmers' industry becoming less; and hence the comfort of the people diminished also. From narrow circumstances to actual want the step is but short. If a man would have recourse to borrowing money the rate charged was enormous,¹ in spite of the surveillance of the aediles; we shall see that Brutus lent money at 48 per cent. Since the year 169 citizens had been, it is true, relieved from the land-tax; but this tax falling chiefly upon the rich, it was they who chiefly profited by its suppression.

Moreover, these rich did not always respect the possessions of the poor. After having, as praetors or consuls, pillaged the world in time of war, the nobles in time of peace as governors pillaged their subjects, and returning to Rome with vast wealth,³ employed it in changing the modest heritage of their fathers into domains vast as provinces. The *lex Claudia* forbidding mercantile pursuits to senatorial families, a great amount of capital was thrown

OLIVE-GATHERING.²

¹ Cicero says that in his time the interest demanded at Rome was as high as 34 per cent., and in the country 48; in his *Ep. ad Fam.* v. 6: "There is a fortune to be made only by those who lend at 50 per cent." (Cf. Plautus, *Curcul.* v. 516; *Epidicus*, v. 52: *In dies minasque argenti singulas nunis.* Cf. also Cic., *ad Brut.* 31.)

² From a gem. The vintage is similarly represented in a bas-relief of the Ince-Blundell Collection and in a Roman mosaic. (*Pict. cript.*, tav. 24, published by Rich, *Greek and Roman Antiquities.*)

³ Cicero himself, who was by no means one of the richest men in Rome, purchased a house for 3,500,000 *sesterces*. (*Ad Fam.* v. 6.) P. Crassus possessed \$20,000,000. (Corn. Nep., *Att.* 5.) Sallust (*Cat.* 12-13): *Domos atque villas in urbium modum exaedificatas . . . a privatis compluribus subversos montes, maria constrata.* Cornelia's house at Misenum had cost her 75,000 drachmae; the price of country-houses went up so rapidly that Lucullus paid for the same 500,000. (Plut., *Mar.* 35.)

into landed property, and the formation of the *latifundia* was stimulated. These "landlords" were eager to enclose within their grounds lakes, forests, and mountains. Where a hundred families had once lived in comfort, one now found itself cramped. To add to his park, the ex-consul bought the old soldier's field or the lands of the impoverished peasant, and soldier and peasant alike hastened to squander in the taverns of Rome the trifling sum received for the sale. Not infrequently the great man took, and paid nothing.¹ An old writer represents an unfortunate man at law with a rich neighbor because the latter, annoyed by the bees of the poor man, had destroyed them. The poor man protested that he had been willing to change his place of abode and establish his hives elsewhere, but that nowhere could he find a small piece of land without having some rich man for a neighbor. "The powerful men of our time," says Columella, "have estates so large that they cannot make the circuit of them in a day on horseback;" and an old Italian inscription shows that an aqueduct nine miles in length traversed the domains of only six proprietors.² In the whole territory of Leontini, in Sicily, there were only eighty-three proprietors; in that of Herbita, 257; of Agyrium, 250; of Motye, 188.³ Rabirius found no difficulty in lending on a sudden to a fugitive prince 100,000,000 sesterces; and another publican said, "I have more gold than three kings."⁴ It was with private fortunes as with states, a vigorous centralization brought all the land into the possession of a few powerful men.⁵

¹ *Parentes aut parci liberi militum ut quisque potentiori confinis erat, sedibus pellebantur.* (Sall., *Jug.* 41.) Cf. Seneca, *Ep.* 90; the spurious Quintilian, *Decl.* 13; and Horace, *Carm.* II. xviii. 26: *Pellitur paternus in sinu ferens deos.* See remarks, Vol. I. p. 487, on the effects of the withdrawal of the *jus commercii* from the Italians.

² Dureau de la Malle, ii. 221.

³ Cic., in *Verr.* II. iii. 51. Caesar relates (*de Bello civ.* i. 16) that Domitius, who had thirty-three cohorts, *militibus pollicetur ex suis possessionibus quaterna in singulos jugera.*

⁴ Cic., *pro Rabir.*, and Hor., *Sat.* II. i. 6.

⁵ The same is to-day the evil of Rome. Prince Borghese possesses 55,000 acres in the Roman country, the Duke Sforza Cesarini 28,000, the princes Pamphili and Chigi 15,000, the Chapter of St. Peter's and the hospital Spirito Santo still more. A hundred and thirteen Roman families hold 315,000 acres, and sixty-four corporations divide amongst them 180,000. (Fulchiron, *Voyage dans l'Italie méridionale.*) [It is very much worse in Calabria, where absentee nobles own whole tracts of country. In fact nowhere in Europe are the evils of the *latifundia* more patent, leading to the misery of the lower classes, and consequently to such crimes as brigandage, and to wholesale emigration. Cf. on this the instructive recent travels of M. F. Lenormant, *L'Apulie et la Lucanie*, ii. 58.—*Ed.*]

This extended ownership, having its origin in the pillage of the world, would never have attained its ultimately dangerous development, had it not been for an article in the treaties which the murderous skill of the Senate imposed upon the vanquished; namely, the depriving the latter of the *jus commercii* outside their own territory,—a measure apparently inoffensive [?], but in reality one which was to bring about an economic revolution, of which the consequences were felt for ages. When the Senate forbade the allies and the subjugated nations to carry on commerce among their neighbors, it was simply as a matter of political expediency, to divide their interests for the sake of preventing coalitions. But at the same time the Senate depreciated



(1) AN APIARIUM (BEEHIVE).¹ (2)

the value of land among all these nations, and facilitated to Roman citizens the acquisition of vast domains, since they alone could buy everywhere, and almost without competition. *Latifundia perdidere Italiam*, cries Pliny, and not without reason: “the great estates have ruined Italy.” First, they destroyed Italian agriculture; for mountainous countries like the Apennine peninsula can prosper only by individual labor, which, varying its methods according to the different soils, makes the smallest patch of ground available; and in the second place they changed the manners and institutions of the early Roman Republic.

The small landowners vanished,—a sturdy, laborious population, devoted to their country, to liberty, and to the gods. Livy quotes with approval the speech of Ligustinus; but this centurion, past fifty years of age, and having made twenty-two campaigns, had

¹ The braided hive is copied from a Roman bas-relief, and is like our own. Under the Empire, hives were made of mica (Plin., *Hist. Nat.* xxi. 47), giving a view of the interior, like our glass hives; and at Pompeii has been discovered (Donaldson, *Pompeii*, 2d part) an artificial hive (fig. 2) divided into stages (*foci*), to which a great number of little apertures give access. A slave (*apiarius*) in rich families had charge of the hive (*apiarium*). (Cf. Saglio's *Dict. des Antiq. grecq. et rom.* pp. 304–305.)

nothing for himself, his wife, and his eight children, but an acre of land and a hovel.¹ What will become of his sons after the sharing of this paltry heritage? They will seek employment from rich proprietors. But the latter, like Cato, will only care to have pasture-lands, feeding numerous flocks without expense and without labor.² A few slaves will be quite enough to keep these flocks and there are so many men to be sold, that with 500 drachmae³ you may obtain that human machine which Varro classes with ploughs and oxen, — *instrumentum vocale*, “the talking kind of agricultural implement.” It works badly, and is idle; but it costs so little to keep or to replace, that they use it unsparingly. With all his faults, the slave is preferred to the free workman, more expensive, less docile, and not to be treated with the same contempt. When Paulus Aemilius had sold 150,000 Epirotes, Scipio Aemilianus 55,000 Carthaginians, Gracchus so many Sardinians that it became a phrase for any low-priced commodity, “a Sardinian,” all the cities were full of slaves, and the free laborer could find employ nowhere except upon the estates of the rich.⁴ It is a law of history that there can be no middle class in those states where slavery has been widely established.

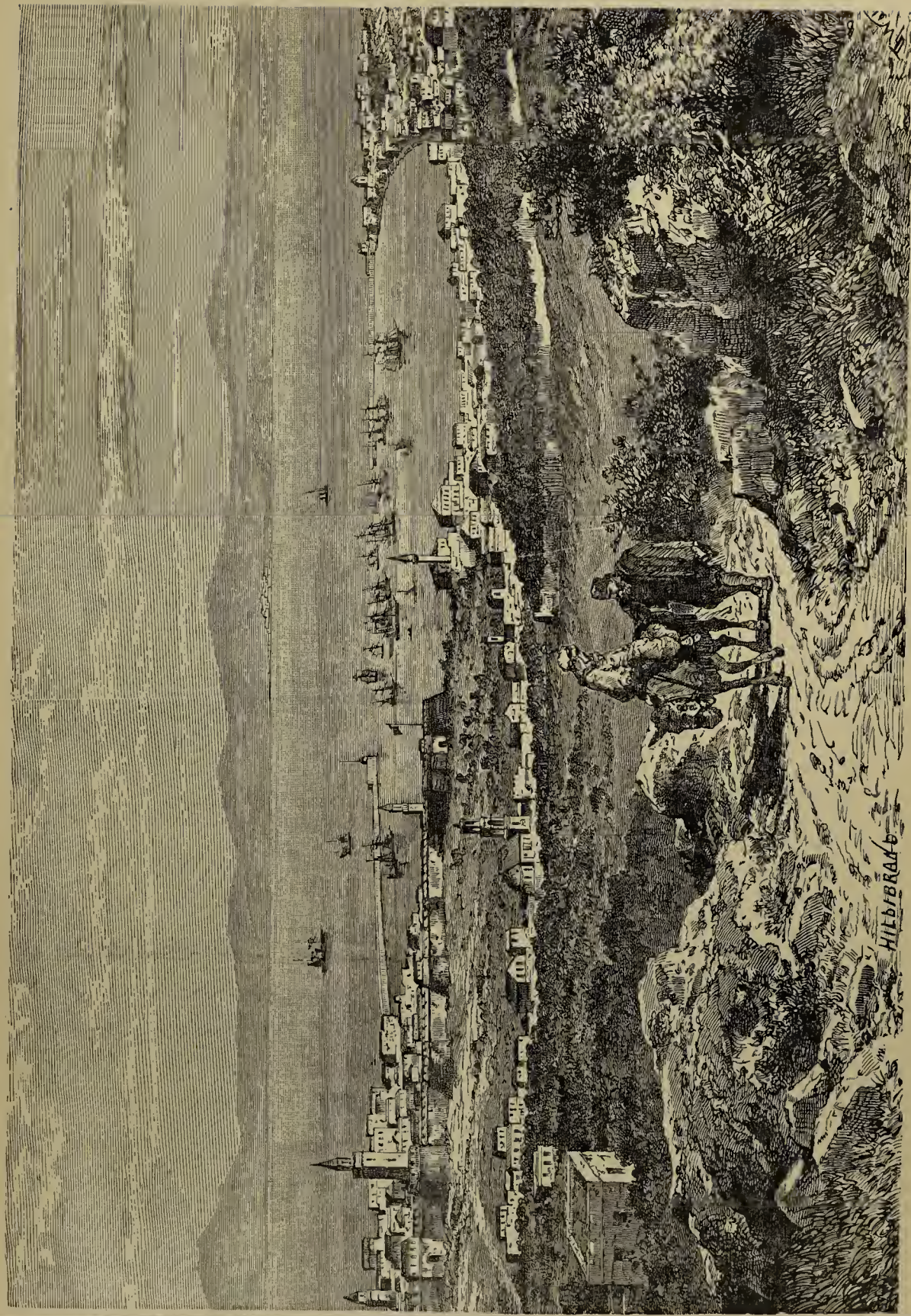
Driven away from their inheritance by usury or by the avidity of their rich neighbors, thrown out of work by the competition of slaves, or else discontented with the frugal life of their fathers by reason of the habits of idleness and debauchery contracted in camps, the poor turned their steps towards Rome. They were attracted thither by the cheapness of the salt derived from the salt-works at Ostia, of the corn from the fields of Sicily,

¹ Livy, xlii. 32.

² *A Catone quum quaereretur quid maxime in re familiari expediret respondit, bene pascere.* (Colum., *Praef.* 6.)

³ Twelve hundred Roman prisoners sold by Hannibal in Achaia were, according to Polybius, redeemed for a hundred talents (about \$100,000). According to Boeckh, the price of slaves employed in the mines of Attica was only from 125 to 150 drachmae: according to Plutarch, for a capable slave the price might run as high as \$250. (*Cat. maj.* 6.) Horace, at a period when prices were higher, had paid for one but 500 drachmae. (*Sat.* ii. 7.) A proof of their paltry value is, that M. Seaurus, worth only 25,000 *nummos* (\$250), had six slaves. (Meursius, *de Luxu Rom.*) After a victory, they were sold for four drachmae apiece [a drachma may be reckoned at about eighteen cents].

⁴ Ὡς ταχὺ τὴν Ἰταλίαν ἅπασαν ὀλιγανδρίας ἐλευθέρων αἰσθέσθαι, δεσμοτηρίων δὲ βαρβαρικῶν ἐμπεπλῆσθαι δι' ὧν ἐγεώργουν οἱ πλούσιοι τὰ χωρία τοὺς πολίτας ἐξέλασαντες. (Plut., *Tib. Gracch.* 8.)

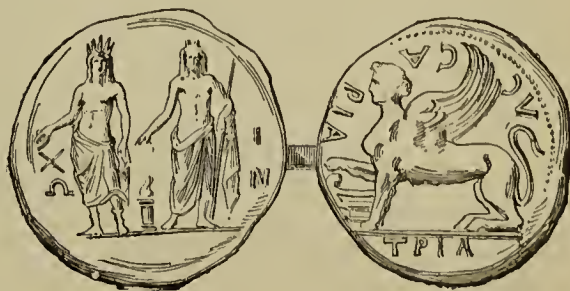


VIEW OF THE ISLAND AND HARBOR OF CHIOS.

HILDEBRAND

Sardinia, and Spain, and by the meagre profits of the more or less honest industries which grow up under the stimulus of city life; lastly by a new sort of clientage, — mendicancy at the doors of the great. “Now,” says Varro, “that fathers of families, abandoning the sickle and the plough, have nearly all crept into Rome, and had rather use their hands in the circus or the theatre than in the fields and vineyards, we are compelled, that we may not die of hunger, to buy our corn of the Africans and the Sardinians, and gather the vintage in ships from the islands of Cos and Chios.”

Thus the famished crowd grew who called themselves the Roman people, and were ready to be bought by the highest bidder. Caesar ascertained that out of 450,000 citizens, 320,000 were living at the public expense; that is to say, three fourths of the Roman people



COIN OF THE ISLAND OF CHIOS.¹

were paupers! Even more formidable is the saying of the tribune Philippus: “There are but 2,000 individuals in Rome who own anything.”² This social fact explains another upon which we cannot too strongly insist, — the population of Rome goes on increasing, and at the same time the recruiting for the legions becomes more difficult, because the number of citizens having the required property qualification for military service diminishes every day. And yet Marius is reproached with having admitted Italians and the proletarii to the legions! But this proletariat produced soldiers attached to a man, — to Marius or Sylla, to Pompeius or Caesar, to Octavius or Antony, and no longer soldiers of the Republic. The connection of cause and effect is clear in all this history; equally clear is it that man is often the unconscious cause of the revolutions which his ideas, his passions, and his acts prepare.

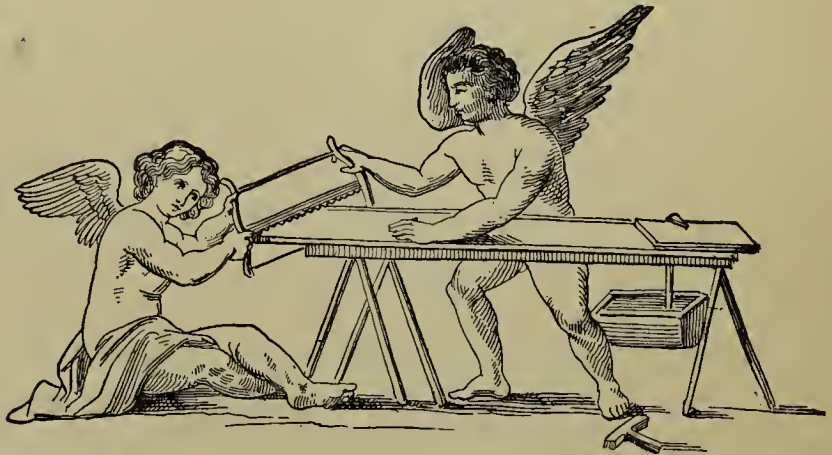
Driven from the fields, the freemen found but slender profit in the city as artisans, for the rich had reserved to themselves all

¹ ΧΙΩΝ. Bacchus and Apollo standing; between them an altar. On the reverse, ΑΣΣΑ-ΡΙΑ ΤΡΙΑ (of the value of three assaria). Sphinx, the forefoot on a ship's prow. Bronze coin of the Island of Chios.

² *Non esse in civitate duo millia hominum qui rem habent.* (Cic., *de Off.* ii. 21.)

BLACKSMITH.¹STONE-CUTTERS.²

the profits of the more important industries, and frequently even those of the more humble.³ They had established workshops for

WOMAN WEIGHING OUT WOOL.⁴CARPENTERS.⁵

the employment of slaves, and had caused them to be taught all kinds of trades. Crassus employed them as cooks, masons, and

¹ Blacksmith using the sledge-hammer ; from the Vergil of the Vatican.

² Stone-cutters (*lapidarius*) ; from the Vergil of the Vatican.

³ Plut., *Crass.* ; Cic., *pro Caecina*, 20 ; Remnius Palaemon, the celebrated grammarian, had been a slave ; on obtaining his freedom, he established a workroom of slave tailors (Suet., *de Ill. gr.* 23) ; Atticus employed copyists (Corn. Nep., *Att.* 13), Malleolus, workpeople of all sorts (Cic., *in Verr.*). Appius, Cicero, and a thousand others had *praefecti fabrum* ; the consul Balbus held this office in the household of Caesar.

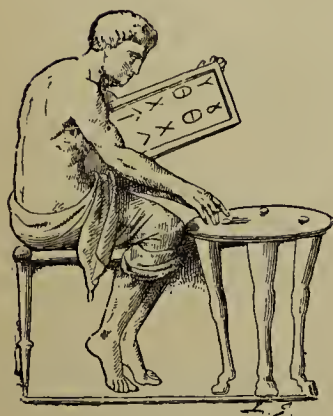
⁴ *Lanifendia*, woman weighing wool to give the slaves the quantity used for their daily task ; from a bas-relief of the Forum of Nerva.

⁵ From a painting in Herculaneum.

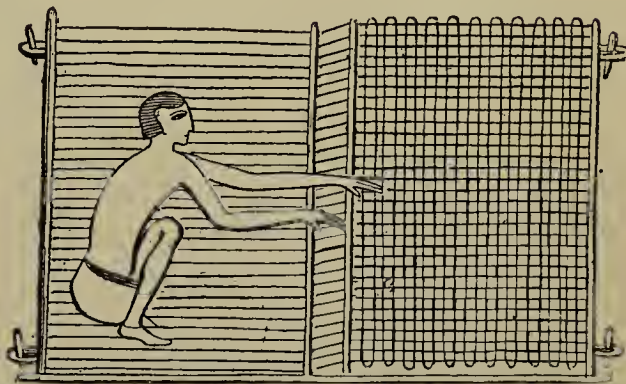
scribes. Every rich family had among their slaves, weavers, carvers, embroiderers, painters, gilders, and even architects, phy-



SHOEMAKERS (POMPEIAN PAINTING.)



CALCULATOR.²



WEAVER.³

sicians, and tutors for their sons.¹ Augustus never wore any other stuffs than those woven in his house. Every temple, every corporation, held slaves. The Government had swarms of them for

¹ Varr., *de Re rust.* i. 2 and 6; Suet., *Oct.* 73. There were even *servi fanatici*. (Grut., 312, 7.)

² *Calculator*. The ancients counted by means of small stones (*calculi*). The mathematician represented here, from a gem in the *Cabinet de France*, No. 1,858 of the Chabouillet Catalogue, arranged the *calculi*, while the reckoning tablet, covered with Etruscan characters, is in his left hand. Saglio, *Dict. des Antiq. grecq. et rom.*, under the word *Abacus*.

³ Egyptian weaver carrying the threads of the woof through the warp stretched in a frame fixed to the ground. (Rich, *Greek and Roman Antiquities*, p. 610, under the word *Sublemen* or *Subligmen*.)

the lower offices of administration and the police, for the guardianship of the aqueducts and public buildings, for public works, in the arsenals, in the harbors, and as rowers on board ship. At one time Scipio sent to Rome 2,000 of them as armorers. The roughest work, as well as the most delicate, being intrusted to them, there remained but very few ways for the poor of free condition to earn their bread. Moreover, the incessant holidays, the triumphs, the days of supplication for victories, the frequent distributions made by the aediles, by patrons, by candidates, and the prejudice which branded the small trader with infamy, all tended

PROCESSION OF SUPPLIANTS.¹

to idleness. To listen to the orations in the Forum, to frequent games which lasted sometimes for a week at a time, to hang about some great man's door, and accompany him when he went out; also to sell one's vote, one's testimony,² in case of need, one's strength, — these were the day's employments. It was said to them, and they reiterated it loudly: "The people-king has a right to

¹ Bas-relief from the Louvre, No. 261 of the Clarea catalogue. Preceded by magistrates, the suppliants advance towards a goddess, who is perhaps Juno Aeraea, to whom goats are sacrificed. All these persons are clad in the pallium; the goddess, the magistrates, and the people being represented of different heights, in accordance with the dignity of each. This usage was frequent with the Greek sculptors.

² The legal methods of the time in respect to the employment of witnesses had created a new trade, — the sale of false oaths and false testimony. Cf. Plautus, *Poenul.* 581; *Curculio*, 478.

live at the expense of a conquered world." But was this populace, indeed, in any sense the Roman people?

Formerly, to fill the gaps made by war in the ranks of those plebeians whom the nobles had learned, to their cost, to respect, the Senate had been accustomed to bestow citizenship upon the bravest of the Italian peoples; but since the close of the First Punic War, not one new tribe had been formed. Who then filled the places of those taken prisoners in the Second Punic War,¹ of those left upon the battle-fields of Cannae, Thrasimene, and Zama,

CLIENT.²CLIENT.³

in Spanish mountain-gorges, in the marshes of Cisalpine Gaul, in Greece, in Asia, and to the very foot of Mount Atlas? Freedmen, — Sicilians, Greeks, and Africans, — who brought to Rome their corrupt habits and all the vices of slaves.

Between the years 241 and 210 B. C., an immense number of freedmen made their way into the Roman world. When, in the midst of the war against Hannibal, the Senate emptied the *sanctius aerarium*, in which was contained that *aurum vicesimarium*, produced by levying a tax of a twentieth upon the value of every enfranchised slave, it was found to be 4,000 pounds weight of gold.

¹ The Romans lost 20,000 prisoners at Drepanum alone, 6,000 at Thrasimene, 8,000 at Cannae, etc.; and if they set free 20,000 in Africa, 4,000 in Crete, 1,200 in Achaea, etc., how many must we suppose had perished before deliverance came?

² Bronze statuette from the Museum of Naples.

³ From the Vergil of the Vatican.

During the First Punic War it had been found necessary to resort to this expedient, the necessity of the case being no less urgent; the treasury at that time contained only the income of thirty or forty years, which amounted, however, to \$864,000. Now Cato paid for a healthy slave about \$250 and the Achaeans redeemed the legionaries sold by Hannibal at a price of about \$88; taking



CONGIARIUM.¹

the mean, we should have about 3,000 enfranchisements yearly. These figures are uncertain; not so the fact that every successful war brought in great numbers of slaves, many of whom quickly passed into the condition of freedmen, for it was an advantage to have people of this kind. In return for his liberty, the freedman pledged himself to his former owner, whose client he now became, to pay annually a certain sum, to give his master a portion of what he received in the *congiaria*,² and finally to leave to him his property; for the master often required of the slave whom he liberated an oath not to marry, that the property might legally fall to him,—an oath which was not prohibited until the time of Augustus.³

In conclusion, as the *manumissio* made the *libertus* a citizen, to have many *liberti* was to possess means of action in the comitia, and a guard in case of popular tumults. In Cicero's time it was customary to enfranchise the honest and industrious captive after six years of servitude. Rome thus had so many freedmen, that Sempronius Gracchus, the father of the Gracchi, made an attempt during his censorship to expel from the tribes the *libertini* whom his predecessor had enrolled in them. Upon meeting with opposition from Appius Claudius, his colleague, he consented to leave those who had a child over five years of age, or who possessed property of 30,000 sesterces in value; the others were incorporated in one of the four urban tribes. This measure was not long enforced, for Scipio Aemilianus regarded the Roman people as only

¹ Reverse of a large bronze of Trajan. COS V. (consul for the fifth time) CONGIAR SECVND (second *congiarium*, or public distribution of money or food). The *congius*, a measure of liquids, was an eighth of the amphora, that is, not quite six pints.

² Dion., xxxix. 24. On the question of slavery, the standard work is that of M. Wallon.

³ Dion., xliii. 14; cf. Giraud, *Acad. des sc. mor.*, 1879, p. 320.

a crowd of former captives; and the method most useful to demagogues to render themselves masters in the comitia was to scatter the freedmen through all the tribes, where, according to Cicero, they formed the majority in his time, even in the rural tribes.¹

Thus Rome, sending her own citizens into the provinces as soldiers, publicans, agents for the governors, stewards for the rich, or adventurers seeking fortune, received in return slaves,² whom she soon converted into freedmen; the Greek slave bringing to her the vices of an effete society, and the Spanish, Thracian, or Gallic slave, those of a barbarous community. There existed between the capital and the provinces an uninterrupted circulation, so to speak. The blood flowed from the heart into the extremities, and returned vitiated and corrupted.³ Sallust says, with his habitual energy: "All was lost when there arose a generation of men who neither had patriotism themselves, nor could suffer others to have it."

From the political point of view these results were menacing; from the economic they were disastrous. The concentration of landed property and capital in the hands of a small oligarchy, the system of pasture-lands instead of grain-lands, and all farming left in the hands of ignorant slaves upon whom the eye of the master no longer kept watch, were so many causes of ruin for agriculture.⁴ As early as the time of Cato it had begun to decline, and soon became so unproductive, that being unable to supply their own food, "the life of the Roman people was at the mercy of winds and waves." Nor are these the sole dangers; the fields, deserted by free laborers, become depopulated, and at a thousand points the malaria seizes upon them, drives away the last lingerers, or extends its murderous sway over them. Before the close

¹ *De Orat.* i. 9.

² During the First Punic War, Duillius made 8,000 prisoners; Manlius and Regulus, 40,000; Lutatius, 36,000. We may therefore reckon the number of African slaves brought into Italy at this time as a fifth of the whole population of Rome. African names, such as Afer, Poenus, and Numida, occur rarely, it is true, in the comic poets; but it is for the reason that the latter copied chiefly from the Greek, and spoke only of domestic servants, while the Africans, using an unknown language, were probably despatched into the fields.

³ *Romam . . . mundi faece repletam.* (Lucan., vii. 404.)

⁴ Pliny says: *Coli rura at ergastulis pessimum est, et quidquid agitur a desperantibus*; and Columella, in his preface: *Nostro accidere vitio qui rem rusticam pessimo cuique servorum, velut carnifici, noxae dedimus, quam majorum nostrorum optimus quisque optime tractaverit.* Upon the rapid progress of malaria, see Vol. I. pp. 32, seq.

of a century, a part of the Latin plain had become uninhabitable.¹

We have seen the disastrous effects on the old Roman people of the sudden increase of wealth, and the introduction of countless myriads of slaves. It should be said in advance that much of this wealth will soon be dispersed; that internal order will bring to an end one of the most prolific causes of slavery; that to respond to the needs of a higher civilization, industry and commerce will make prodigious strides, by which the free artisan will profit; finally, that in the shelter of a peace of two centuries, one hundred millions of men will enjoy a prosperity which had never hitherto been known. We have been examining that work of destruction which will continue till Republican Rome has perished; in the history of the Empire we shall see the work of reconstruction going forward, notwithstanding the bloody tragedies of senate-house and palace.

III. POLITICAL CHANGES.

By the disappearance of the class of small farmers, Roman society lost a conservative force which would have retarded the rapid march of the inevitable revolution. The nobles, set free from all restraint when they no longer saw before them those plebeians whom it had been necessary to treat with a certain consideration, now abandoned themselves to the license of the new time. They regarded simplicity of life as a folly, and the idea of equality as an insolent pretension. True it is that the fears and the adulation of the world did indeed place them on a very high pinnacle. Compared with the immense extent of the empire and the myriads of its subjects, Rome with her inhabitants was but a speck; and as they daily determined the destinies of nations, and beheld kings waiting at the doors of the senate-house for their decisions, these republican senators assumed a royal arrogance, from which liberty was soon to suffer. We will examine in detail the powers which they possessed.

¹ It became necessary to procure every year from Umbria and the Abruzzi the laborers necessary for the season's work. (Suet., *Vesp.* i.)

It is through their financial element that, in modern times, governments are made dependent upon the representatives of the country. The annual vote of supply, or at least of new expenses, is a guaranty for the liberties of the people, and a safeguard for the governments themselves, whom this necessity deters from extravagance. But at Rome there was nothing of this kind. The popular assembly did not at all concern itself with public expenses, and but one tax is known to have been established by law, and this in a time almost of revolution.¹ Receipts and expenses were regulated by the Conscript Fathers; they alone managed the exchequer, as the consuls disposed of the spoils of war, and the aediles of the moneys received as fines.² Hence it occurred that when certain senators committed public frauds, they found their colleagues ready to share, or at least to wink at, their dishonesty. This abandoning to the Senate of the entire charge of the finances was, by the license which it authorized, a cause of ruin for the Republic, as in later times the absence of all financial control brought ruin on our old French monarchy.

Masters of the public finances, the senators were also masters of the administration of justice. In civil cases suits were brought before the praetor, who, leaving the decision upon facts to judges selected for important cases from the Senate, and for the rest from the centumvirs, took part in the case only by indicating the particular law applicable to the questions. The same is done in French criminal courts in the contrary order of sequence; the decision of the jury on the nature of the crime precedes the judge's declaration of the article of the penal code which bears upon the case.

In criminal cases, the people, gathered in the centuriate assembly, were the judge. In early times crimes had been rare. But the extension of the empire, the prodigious growth of the city itself, the temptations of every kind offered to evil-minded persons

¹ See Vol. I. p. 388, n. 2.

² Legally, the general was required to pay into the treasury, or else to abandon to his soldiers, the products of the booty obtained in war; this was the *donativum*, — a deplorable custom under the Empire, but one derived from the Republic, and springing from the deepest convictions of the nation; for the Roman wars had pillage for their object much more than conquest. As to the aediles, they were expected to employ the sums received as fines in keeping the public edifices in repair; but we never hear of any account being required from them, any more than from the censors for the great public works that they carried on. Both, doubtless, fulfilled all that was expected of them by keeping the Senate informed as to their proceedings.

to attain to sudden fortune, multiplied breaches of public order. The Romans were not men like the Athenians, who were willing to leave their personal affairs and sit all the year long listening to arguments in court. The aristocracy, moreover, took care not to establish the rule of salary for such services. Hence it resulted that the consuls were obliged to exercise the old royal right of referring a criminal case to a commission, *quaestio*; and the number of crimes increasing, this exceptional jurisdiction soon came to be a permanent one.

The people did not make a good judge, for in the first place, having made the law themselves, they were easily tempted to set themselves above it, or to put their own interpretation upon it; and, further, the multitude does not weigh reasons, but decides after the passion or interest of the moment, confounding these with true justice. So it came about that those accused before this tribunal sought rather to touch the feelings than to convince the reason. Hence the mourning garments, the tears, the supplications of relatives and friends, and moving appeals of advocates; hence the exhibition of scars received in battle and of rewards for valor.¹

In an established government, which had interests of such magnitude to protect, and in a case where the people was no longer anything but a venal crowd, such justice was the very height of injustice, most harmful to the public weal. Calpurnius Piso was therefore a useful citizen when, in the year 149, he proposed the establishment of a permanent tribunal to take cognizance of cases of extortion and malversation, now grown scandalously frequent.²

Five years later three permanent tribunals, *quaestiones perpetuae*, were created, having cognizance of crimes of high treason and embezzlement of public money; and their jurisdiction was finally extended to all crimes against the state. The veto of the tribunes

¹ See, for instance, the case of Manlius (vol. i. p. 381). In the year 98 Manlius Aquillius, the pacifier of Sicily, having been accused of embezzlement, Marcus Antonius, his advocate, ended the argument for the defence by tearing the tunic of Aquillius, to show the breast of the veteran covered with scars. The multitude was moved to tears, and Aquillius was acquitted, although the evidence had been very clear against him. (Cic., *Brut.* 62; *de Off.* ii. 14; *de Orat.* ii. 28, 45, 47.)

² Cic., *Brut.* 27. The Calpurnian law was renewed and rendered more severe by the Junian law in 126, the Aelian in 101, the Cornelian in 81, and the Julian in 59.

could not arrest their action, nor the comitia set aside their decisions. A citizen condemned for extortion lost forever the right of speaking in the assembly of the people.¹ Theoretically the *quaestiones perpetuae* were an encroachment upon popular rights,² politically they were an inevitable institution; and as good public policy is that which gives satisfaction, not to theories, but to the needs of the time, this usurpation, or rather this change, was legitimate, because it was necessary.

The importance of the institution arises from the fact that the members of the new tribunal were selected from the Senate. That assembly did not form a court of justice until the time of the Emperors, but all the judges of the *quaestiones perpetuae* being senators, the great political body of the state thus became also its great judicial body; "and this function," says Polybius, "was the firmest support of the authority of the Senate."³ We shall find that the appointment to these judicial positions became an object of the most violent contests.

We may note in passing that the Roman world having never known what we call the government prosecutor, private individuals took this duty upon themselves. The *delatio* was, therefore, a recognized procedure, and Cicero considers it admirable.⁴ Any individual might present himself as prosecutor or accuser on behalf of the state; and this became an industry having its risks, and also its profits. A man might gain reputation in this way by an eloquent argument; and many young nobles began thus to make themselves known; money even might be gained, since the prosecutor received, as recompense for the service he had rendered to society, a fourth part of the property confiscated or the fine imposed. A Macedonian inscription⁵ offers a reward of 200 denarii to the *delator* who should bring to justice the profaners of a tomb; in England the same custom yet obtains. These informers, whom

¹ Cic., *ad Herenn.* i. 11. The praetors continued to judge in civil cases, and the aediles in mercantile disputes.

² See, Vol. I. p. 337, the conferring by the Twelve Tables of criminal jurisdiction upon the comitia centuriata alone.

³ vi. 17. Whenever, he says, the suit is at all important, even in the *judicia privata*, the judges are senators.

⁴ *Accusatores multos esse in civitate utile est, ut metu contineatur audacia.* (*Pro Roscio Amer.* 20.)

⁵ Heuzey, *Miss. archéol. de Macéd.* p. 38.

the Empire inherited from the Republic, will come to have a very bad name; they had it, indeed, since the time of Plautus. One of his parasites scornfully declares that he would not change his vocation for that of the man who makes a legal prosecution "his net wherein to catch another man's goods."¹

What was the legislative importance of the *senatus-consultum*? There was much discussion upon this point; in a constitution the work of time, like that of Rome, there was no definite rule upon the subject. At first the Senate legislated freely in the triple sphere of religion, finances, and foreign relations; but there exists quite a number of *senatus-consulta* relating to other questions, especially concerning internal order and the direction of public affairs. Pomponius in the *Digest* says:² "As it was difficult to bring the people together, the necessity of the case caused the care of the state to pass into the hands of the Senate; and all that the Senate decreed was obeyed. These decrees were called *senatus-consulta*."

The Senate assumed the power of dispensing with the observance of laws. Having declared that in their judgment the people could not be bound by such or such a law, *ea lege non videri populum teneri*,³ the magistrate charged with its execution felt authorized to omit it. But the demagogue tribunes, no less ingenious than the Conscript Fathers in distorting the law, will later insert in certain of their revolutionary *rogations* a clause requiring the senators to swear under pain of exile that they will obey the same. In this way Saturninus put exceptional authority into the hands of Marius.

With this twofold right of making the *senatus-consulta* obligatory, and of dispensing with the observance of a law, the Senate had no longer need of the dictatorship; and this office disappears from history.⁴

¹ *Persa*, v. 63, *seq.*

² Gaius, *Inst.* i. 4. (*Digest*, I. ii. 9.)

³ Cie., *de Domo*, 16; *Philipp.* xii. 5. After the time of the Gracchi the Senate took upon itself to release from a law in express terms, — *legibus solveretur*. But that this decree be valid, the presence of 200 senators was required, and then the approbation of the people; after which the tribunes could no longer oppose their veto. (Aseon., in Cie. *pro Cornelio*, pp. 57–58.)

⁴ The dictatorship of Sylla and of Caesar has nothing in common with the earlier office of that name.

The dictatorship was really permanently established in the curia, and the senators made it operative by the formula, *Caveant consules*, which was equivalent to the modern declaration of martial law, and gave full powers to the consuls. Later, however, agitation will spring up again in the Forum; the tribunes will refuse to acknowledge the power of suppressing the appeal to the people, — *provocatio*, — and the decisions of Opimius, Rabirius, and Cicero will break this weapon in the Senate's hand.

The Senate was accustomed to interpose in yet another way in legislation. The Publilian and Hortensian laws had taken from it the initiative and the sanction of the laws;¹ it recovered these prerogatives by indirect means. The Senate decided, for example, that there should be presented to the popular assembly a plebiscitum invested in advance with the senatorial approval, which would thus insure its passage,² and also caused it to be established by the *lex Aelia-Fufia*,³ that an assembly could not be held, or valid decisions made, if a magistrate should announce to the president of the comitia his intention of observing the heavens. This was the suspending veto hidden under a religious form and a method of putting a stop at once to any revolutionary *rogation*. Cicero owns it frankly: "This law," he says, "is our secure defence against the fury of the tribunes."⁴ Yes; but only so long as men shall continue to respect the law, the scruple upon which it was founded, and the Senate by whom it was dictated.

In the elections the action was more discreet, but no less real. By the Senate was decided the list of candidates to be submitted to the people's choice by the president of the assembly.

With the Conscript Fathers rested the charge of public worship, the right of prohibiting certain ceremonies and of giving or refusing citizenship to foreign gods; lastly, all the foreign policy, — the calling out of the legions, the disposition of armies, the resources placed at the general's disposal in money and in native or auxiliary

¹ See Vol. I. pp. 480 and 484.

² Thus: *Attilius tribunus plebis ex auctoritate senatus plebem in haec verba rogavit.* (Livy, xxvi. 33.)

³ These two laws, or this law, probably belongs to the middle of the second century before the Christian era.

⁴ . . . *Subsidia certissima contra tribunicios furores, propugnacula murique tranquillitatis et otii.*

troops, the conditions imposed upon the vanquished, the relations with allies; and if the Senate had not in so many words taken from the people the right of making war and peace, it acted habitually as though this sovereign prerogative no longer belonged to the popular assembly;¹ and the question was very soon asked whether for a declaration of war the *senatus-consultum* was not sufficient.² In a word, the Senate, originally merely a council assisting the king and the consuls, now governed and administered, and the magistrates were, in a sense, only its executive: *quasi ministros gravissimi consilii*.

This concentration of power in the hands of the Senate was inevitable in the new conditions of Rome's existence. Recruited from men who had filled the highest offices, carried on the most difficult wars, administered the government of provinces vast as kingdoms, this assembly was the most experienced, the most skilful, and at once the boldest and the most prudent body which has ever ruled a state. The Grand Council of another powerful city, Venice, was but a pale image of it. Venice, however, restrained her aristocracy as well as her subjects; while the Roman Senate could not rule the nobles, but was instead ruled by those whom Sallust calls the faction of the great.

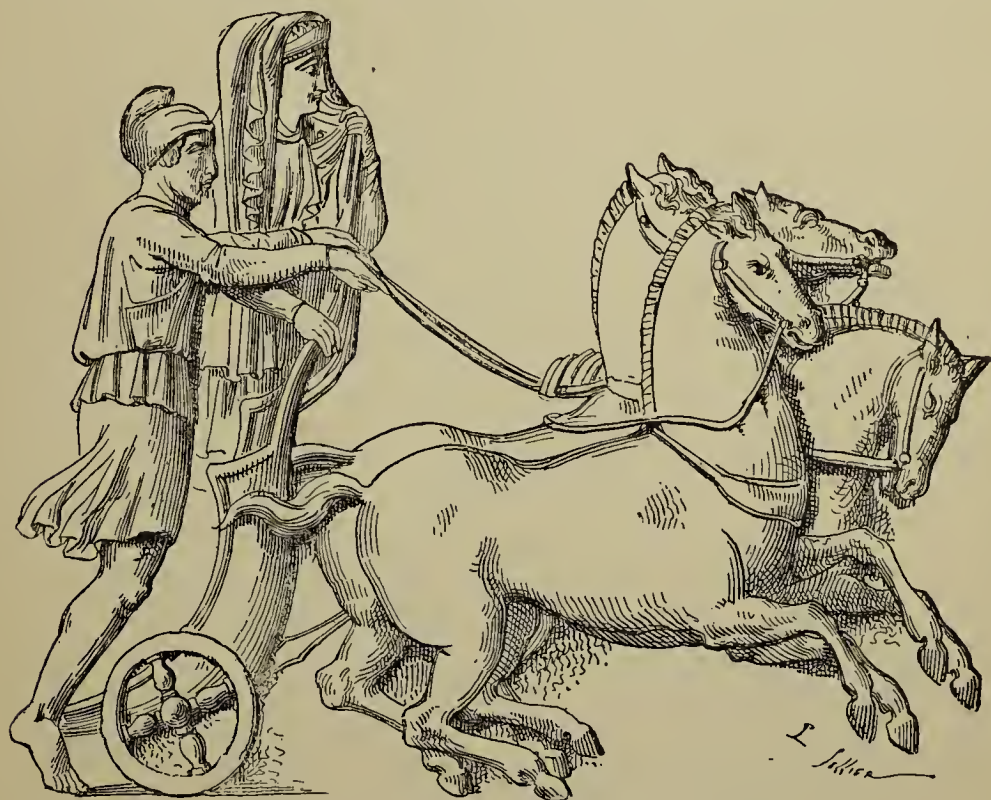
The Senate, in truth, was only the head of a new aristocracy, more illustrious than the earlier one, because it had done greater things, prouder, because it saw the world at its feet. Of the former *gentes* there now remained but a few,³ and since the time

¹ When the Senate undertook a war without having asked for the people's authority, either it was represented as a continuation of earlier hostilities, for instance, in Lusitania, under Caepio, or else it was a case where allies, like the Massiliotes, implored instant succor. The usual plan was to drive its adversaries to desperation, and then, on pretext that they had broken the peace, send forth the legions. Thus Carthage, in attacking Masinissa, had been guilty of an infraction of the treaty, etc.

² Livy, iv. 30; Cic., *pro Sestio*, 65.

³ In the Senate of the year 179, M. Willems (*Sénat. de la Rép. Rom.* p. 366) finds but eighty-eight patricians to 216 plebeians. Noble families become extinct very easily. In England (Doubleday, *True Law of the Population*, chap. iv.) there remain very few Norman nobles; two thirds of the peerage (272 out of 394) date since 1760. Of 1,527 baronetcies created since 1611, there remained in 1819 but 635, of which only 30 date from 1611. Of 487 families admitted into the citizenship of Berne from 1583 to 1654, in 1783 only 108 remained. During the century from 1684 to 1784, 207 Bernese families became extinct. In 1623 the sovereign council was composed of 112 families; in 1796 only 58 remained. The author cites similar observations made on the nobility of France, the Netherlands, and Venice; in about 100 years the number of Venetian nobles fell from 2,500 to 1,500, and this in a time of peace, and

of the Second Punic War a majority in the Senate had been plebeian. Thus in the year 172 there were, notwithstanding the law, two plebeian consuls, and in 131 two censors of the same order. Hence a fact of the greatest importance had taken place in the Roman society at the epoch with which we are now occupied: the aristocracy and the people were altogether renewed. But other



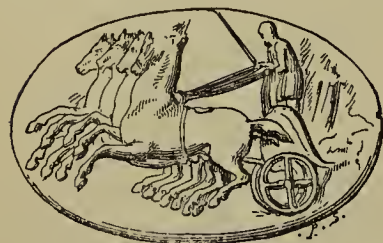
CHARIOT WITH FOUR HORSES, QUADRIGA.¹

men bring other ideas; this second aristocracy, although itself coming up from the people, held the people in no less sovereign contempt. It was no longer a question of keeping out the plebeians from office, but the *new men*. Uniting by marriages and by

notwithstanding the ennobling of several new families. Finally, he recalls a passage in which Tacitus (*Ann.* xi. 25) makes the observation that in the time of Caesar there were but a few patrician families, and that of all those created by Julius and Augustus, none remained in the time of Claudius. At Paris, the average of children in rich households is not over two. The special rights of the patricians at Rome at this time were merely honorary offices. (Cic., *pro Domo*, 14.) The *interrex*, when one was required, the *rex sacrorum*, the *flamens*, the *salii*, half the other priests and all of the vestals, the presidents of the *comitia centuriata* and *curiata*, must be patricians. On this account Caesar and the Emperors were forced to create them. The Emperors themselves became patricians on the day of their accession.

¹ From a bas-relief in terra-cotta. (Rich, *Greek and Roman Antiquities*, under the word *Auriga*.)

adoptions their blood and their interests,¹ the noble families of the time formed an oligarchy which made the magistracies their patrimony; nor could it have been otherwise. The profitable offices

GLADIATOR.²CHARIOTEER STANDING IN A
QUADRIGA.⁴

of the consulate and the praetorship were elective. To rise to these offices a man must secure the favor of those who conferred them, and this favor could be obtained either by buying a sufficient number of the electors with money, or the entire populace with entertainments. Thanks to the spoils of war brought home from the provinces, and to the revenues of the immense domains that the pro-consuls had reserved for themselves, the sons of those who had obtained from the conquest of Italy no more than a farm of seven acres were able to multiply public shows, chariot-races, and combats of gladiators, dramatic representations and shows of wild beasts, games of all sorts, and gratuitous distributions. The venality of the people, and the necessity of incurring first the ruinous expenses of the aedileship,³ closed the access to public honors against all those who were not able to sacrifice immense sums upon an election; by which we see that a man must be rich to obtain office, and must be in office in order to be rich,—a vicious circle, from which escape seemed impossible, but one which explains how public offices remained perpetually in those families to which they had once

¹ Thus a sister of Paulus Aemilius had married Afrieanus; he himself took for wife a Papiria. His eldest son was adopted by Q. Fabius Maximus, and his second by a son of Seipio Africanus. His two daughters entered illustrious plebeian families, one marrying Aelius Tubero, and the other Cato's son.

² From a terra-cotta lamp. A Thracian gladiator, so called because he has the same armor, a knife with broad, curved blade (*sica*) and the small buckler (Festus, s. v.) with square corners and convex surface. (Rich, *Greek and Roman Antiquities*, under the word *Thrax*.)

³ Since the time of the First Punic War the aediles had been obliged to celebrate at their own expense the *ludi maximi*. From a passage in Livy (xxiv. 11) it is plain that all the senators must have been possessed of great wealth.

⁴ Gem from the *Cabinet de France*, No. 1,866 of the catalogue.

brought fortune. The law, indeed, said that the magistracies were annual; but Cato wasted his time when he reproached the people for bestowing them year after year upon the same man.¹ In the consular lists certain names perpetually reappear. From 219 to 133, a period of eighty-six years, nine families obtained eighty-three consulships.² Thus the number of obscure citizens who rose to eminence was very small indeed, — the pontifex maximus Coruncanius, Flaminius, Varro, Cato, Mummius, and Acilius Glabrio;

CHARIOT-RACE.³

and of these parvenus a few owed their promotion to the patronage of some great family, like Cato, the client of the Valerii, and Laelius, *protégé* of the Scipios.

The movement which, raising to office all competent citizens, perpetually renewed the aristocracy and insured its permanence by legitimating its existence — that movement, commenced two centuries earlier, was about to be arrested. Shut up, so to speak, within its

¹ Plut., *Cat.* 12.

² These are : the Corneli, twenty-one ; the Fulvii, ten ; the Sempronii, nine ; the Marcelli, nine ; the Postumii, eight ; the Servilii, seven ; the Fabii, seven ; the Appii and Valerii, six each.

³ From an engraved stone. In the centre the *spina*, around which the chariots must go seven times ; it is ornamented with an obelisk and a Victory ; at the extremities are the posts around which the chariots are driven. (See in Vol. I. p. 623, and in the present volume p. 333, two bas-reliefs where genii are the runners.)

public honors and its wealth, the nobility broke all ties connecting it with the people, whom it despised, even when soliciting their votes, like Scipio Nasica, who, taking a peasant's callous hand, said: "Well, my man, do you walk on the palms of your hands?" Another, Servilius Isauricus, being on foot in some road, saw a man pass him on horseback. He was exasperated that any one should presume to remain mounted while he was on foot, and awhile later, recognizing the poor fellow as a defendant before some tri-

COMBAT OF GLADIATORS.¹

bunal, he denounced the offence to the judges, who, without hearing another word, unanimously condemned the disrespectful rider.²

We must make clear to ourselves how the oligarchy could be with impunity so scornful towards the populace, and why the poor should bear with so much resignation the insolence of the great. The people, such as it was, heard constantly of the exploits of the aristocracy, of their wealth, and of their high descent. Before the populace the nobles always appeared with a train of clients and slaves; they were courted by the magistrates of foreign cities,

¹ From a mosaic engraved by Winekelmann. (*Mon. inéd.* pl. 197.) The *retiarius* has thrown his net (*rete*) over the head of his adversary, and attacks him with his trident, the only weapon he has, while the *secutor* has a buckler and a two-edged knife. The man who stands behind the *retiarius* is a *lanista*, that is to say, a trainer of gladiators.

² Dion., xlv. 16.

by ambassadors of kings, even by kings themselves; at the theatre they were seated apart,¹ wrapped in that toga with the wide purple border that betokened the senator, the man who was, we may say, the master of this sovereign people. Daily the city rang with the name of this or that man of rank returning from his province so loaded with spoils that after adorning his own palace and villa, he had still enough for the Forum, the Campus Martius, and the temples. Yesterday may have been a triumph,² and all Rome

COMBAT OF GLADIATORS.³

crowding the Via Sacra to see the spoils, the captives, the conqueror himself going up to the Capitol, and the army in warlike pomp marching behind his chariot. To-day a consul displays his own statue in some public square, or with imposing sacrifices consecrates a temple vowed during a battle. To-morrow there is to be solemn thanksgiving to the gods for the success of some absent general, or it may be the funeral of some illustrious man crossing the Forum, followed by a train of all his ancestors, represented by mutes or by wax figures, clad in state robes; and the next of kin

¹ This right was given them by Scipio Africanus during his second consulate (194).

² These triumphs had become so frequent, that about the year 181 a law required as a condition for obtaining one, that at least 5,000 of the enemy should have been slain in one battle.

³ From Winekelmann (*loc. cit.*); combat between two gladiators armed with round buckler and short sword; a *lanista* stands behind each.

will pronounce a funeral oration over the deceased from the same place whence the magistrates make known to all the world the decisions of the people and the victories won by Roman arms. A Metellus is carried past borne upon his bier by his four sons, who are, or have been, praetors or consuls. This Metellus was called Macedonicus, Scipio had assumed the title of Africanus, Mummius that of Achaicus; and these glorious *agnomina* kept

SACRIFICE.¹

forever before the people that these men had made the greatness of Rome, as the exploits of these men's ancestors engraved upon their coins perpetuated the memory of those who in difficult days had saved the fortunes of the Roman people. Before the splendor surrounding these great names, the plebeians, for the most part of servile origin, felt their low condition more than ever.

Masters of the Senate, of public offices, of the tribunals, and when they were crafty enough, of the Forum, the nobles regulated all things after their own good pleasure; even the Senate often

¹ From a bas-relief. The bull is held by the assistants, and the *pope* is preparing to slay it with an axe.

saw its authority scorned by them. Against the Senate's and the people's will, Appius Claudius triumphed, after a victory over the Salassi; Popilius Laenas made an unjustifiable attack upon the Statielli, razed their city, and sold 10,000 of them into slavery. A few voices were raised in behalf of this unhappy tribe, the only one among all the Ligurians who had never attacked the legions, and a decree was passed that they should be restored from slavery; upon which Popilius slew 10,000 more of them, and being cited before a tribunal, he obtained from the praetor an adjournment of the case, and it was never heard of again. Scipio in his operations had rarely consulted the Senate, and the generals following his example forgot in their provinces that they ought to be the docile agents of a superior authority. Thus, without waiting for the Senate's authorization, Manlius attacked the Galatians; Lucullus, the Vaccaeans; Aemilius, Pallantia; Cassius, the mountaineers of the Alps. This same Cassius was desirous of leaving his province, Cisalpine Gaul, to penetrate through Illyria into Macedon, where the other consul commanded, though at the risk of leaving Italy and Rome unprotected.

Law and custom alike forbidding the nobles to seek legitimate gains by commerce or manufactures,¹ there remained to them only the profits of dishonor, and these they freely sought; towards the allies and the provincials they allowed themselves every license. It was proposed to send Marcellus into Sicily: "Let Aetna rather bury us beneath its lava!" cried the Syracusans. Sicily must pay the penalty of its fruitfulness, Spain of its mineral wealth. Besides a permanent tax,² the Spaniards furnished corn, for a part of which they were paid; but the praetors fixed a very low price for the corn they bought, and a very high price for that which the Spaniards were bound to furnish; then they converted this due into money, and thus levied a heavy tribute. These exactions became so notorious that in the time of the war against Perseus the Senate judged it prudent to show some justice.³ Two praetors

¹ The *lex Claudia tribuniçia* (218) had forbidden senators or their sons to possess vessels of more than 300 *amphorae*. Cic., in *Verr.* II. v. 8; Livy, xxi. 63; cf. Dion., LV. x. 5.

² Spain owed also, since the consulate of Cato, *vectigalia magna ex ferrariis argentariisque*. (Livy, xxxiv. 21.)

³ Livy, xliii. 2. Other praetors were accused and condemned in the year 154. (*Epit.* xlvii.)

were accused, and exiled themselves before sentence was pronounced, the one to Tibur, the other to Praeneste. Others were suspected; but the magistrate whose duty it was to examine the case, set off suddenly for his government, and the Senate, anxious to end this annoying affair, made certain rules with the intention of giving a show of satisfaction to the Spaniards.

In Greece during this time consuls and praetors vied with one another in pillaging the allied cities, and went so far as to sell their citizens by auction; this they did at Coronea, at Haliartus, at Thebes, and at Chalcis. The sterile country of Attica was required to furnish 100,000 bushels of corn, Abdera gave 50,000, and 100,000 denarii besides; and as the city ventured to send complaints to the Senate, Hostilius gave it up to pillage, decapitated the principal men, and sold the entire population. Another praetor, Lucretius, still more culpable, was accused at Rome. It would be unjust, his friends said, to receive complaints against a magistrate absent in the service of his country, and the affair was adjourned. Lucretius, meanwhile, was employed in decorating his villa near Antium with the product of his rapine, and turning the course of a river to lead it through his park. A second time he was less fortunate. He was condemned to pay a fine of 1,000,000 ases; then the Senate gave the envoys of the complaining cities a few sesterces, and so the matter ended. But decrees quickly fell into oblivion, and the abuses recommenced; only they were less conspicuous, that the scandal of them might not so readily reach Rome.

Many of these nobles were full of indulgence for faults that they felt themselves very capable of committing, and the successors of the offending officials did all in their power to suppress the accusations made against their predecessors. In his orations against Verres, Cicero shows Metellus, a man of considerable moderation, threatening the Sicilians with his displeasure if they should send deputies to Rome, and detaining by force the most material witnesses against his predecessor.¹ But on the other side, when Cicero is for the defence, how arrogant he is, and how contemptuous of the provincials! Notice, for example, how he treats Induciomar in the oration *Pro Fonteio*, and the peasants of

¹ *Minari Siculis, si decrevissent legationem . . . minari, si qui essent profecti . . . gravissimos . . . testes . . . vi custodiisque retinere.* (In *Verr.* II. ii. 4.)



CADMELA AND THE PLAIN OF THEBES (FROM BARON DE STACKELBERG'S LA GRÈCE).

Tmolus in his *pro Flacco*. "Can any one compare," he says, "the most important person in Gaul with even the meanest citizen of Rome? Does Induciomar even understand what it is to testify in your presence?"¹ It was only a very heavy oppression indeed which could decide a people to incur, by entering a complaint at Rome, the anger of these very powerful personages. In order to



WREATH OF GOLD.²

appease Marcellus, whom they had accused of rapine, the Sicilian deputies were seen in presence of the Senate to fall at his feet to implore pardon for themselves, and to beg him to receive them, themselves, and all the Syracusans as his clients. Upon their return Syracuse instituted annual festivities in honor of the man

¹ *Pro Fonteio*, 11.

² This wreath, of the most delicate workmanship, was found in 1813 in a tomb at Armento (Basilicate). The inscription beneath the winged figure is a formula of dedication and a proper name, written in characters believed to be of the fourth century B. C. Some of the flowers are covered with turquoise-blue enamel; insects hover over it, attached by very slender threads of gold. Was this a triumphal or simply a funereal wreath? Are the winged figurines Victories, or are they Genii, emblems of immortality? (See on this subject Saglio's *Dict. des ant. grecq. et rom.* p. 800.)

who had almost destroyed the city; and later, the divinity of these celebrations was Verres.

Another kind of exactions weighed upon the allies. After each victory the general required golden wreaths from them.¹ The consuls commanding in Greece and in Asia between the years 200 and 188 caused to be given to themselves 630 gold wreaths, ordinarily of the weight of twelve pounds. If during the battle they vowed games or temples, they never failed to levy in their province the needful funds. With money furnished by the allies, Fulvius and Scipio celebrated games which lasted ten days.² Even the aediles were wont to compel the provinces to pay for the spectacles their office required them to furnish to the populace, and a *senatus-consultum* vainly sought to put a stop to these exactions.³

There is preserved for us from Cato's discourse *Upon his Expenses* a lively picture: ". . . I directed the tablets to be brought which contained my discourse. My ancestors' services and my own were read out, and then followed these words: 'Never have I expended in securing votes either my own money or that of the allies.' But, no, I cried to the clerk, do not read that; they will not listen to it. He then went on: 'Have I ever established in the cities of your allies rulers capable of ravishing their goods, their wives and children?' Pass over this also; there is nothing they would be more reluctant to hear. Go on. 'Never have I given to my friends commercial letters, that they might derive great profits from the sale of the same.' Erase this at once. 'Never have I divided between my friends and my agents sums of money under pretext that wine was due them for their table, nor ever enriched them to the public detriment.' Ah! scratch that out into the very wood [of the tablet]. See, then, I beg you, the sad condition of the Republic; I dare not recall the services I have rendered to

¹ Later this became a regular tax, *aurum coronarium*, exacted without victories or triumphs, as in the case of Piso. (See Cic., in *Pis.*)

² Livy, xxxix. 22. Athenaeus, brother of Attalus, gave to the Senate in the year 186 a wreath of gold worth 15,000 gold pieces. The Aetolians offered to Fulvius one worth 150 talents. (Polyb., xxii. 13.) See in Cicero's *Verrines* the statues that Verres caused to be erected throughout Sicily, and even in Rome.

³ *Decreverat id senatus propter effusos sumptus factos in ludos T. Sempronii aedilis, qui graves non modo Italiae ac sociis Latini nominis, sed etiam provinciis externis fuerant.* (Livy, xl. 44.)

the state, for fear of exciting ill-will. To what have we come, that one may do evil with impunity, but cannot with impunity do well?"

Thus, to satisfy the new needs born of luxurious habits, the nobles pillaged at once the treasury and the allies, and the Senate condoned all extortions in advance by allowing the principle to be openly asserted, that, self-interest being the rule of conduct, whatever method was successful was justifiable. We cannot admit the assertion of Livy, that up to this time the Senate's policy had been extremely upright; but rather we must complain with the older senators, that artifice has been substituted for bravery,¹ that to their unquestioned strength they had added perfidy, that having deprived the nations of their independence, it was now the design to deprive them of their wealth.

These lessons from so high an authority were not lost upon the populace, nor, above all, upon the army. It is evident that the extortions practised by the generals, and their independence of all authority, must have had a tendency to relax discipline in the ranks. The soldiers imitated their leaders, and the latter closed their eyes to excesses which their own conduct authorized. During the Second Punic War the rapine of an army set Sardinia in insurrection.² But in the pleasures which these spoliations afforded, the legionaries lost their military virtues. Then came the shameful defeats of Licinius in the kingdom of Pergamus, of Manilius before Carthage, and of Mancinus under the walls of Numantia. Many deserted, like that C. Mattienus whom the consuls caused to be beaten with rods in the presence of the recruits and sold for a contemptible price; or else, if the war were very unprofitable, they imperiously demanded dismissal, like the army of Flaccus in the year 180. The soldiers of Scipio in Spain had already set this dangerous example.⁴ During the war with Antiochus the army of Aemilius, notwithstanding their general's efforts and the



PHOCAEAN COIN.³

¹ Livy, xlii. 47.

² Livy, xxiii. 32. Mutiny in the army of Sulpicius Galba and Villius in 199 (Livy, xxxii. 3); difficulty in 192 of raising two legions for Liguria, where there was nothing to be gained; etc.

³ On the obverse, a seal; on the reverse, a hollow square.

⁴ See Vol. II. p. 58.

formal agreement to the contrary, pillaged Phocaea, the praetor being only able to save such of the inhabitants as took refuge with him; and in the year 180 the horsemen of Caepio attempted to burn their general alive in his tent. After having obtained the pillage of the whole of Epirus and 300 denarii apiece, the legionaries of Paulus Aemilius considered themselves ill-used, and endeavored to have him refused a triumph. Already they had begun to put off upon slaves the burden of carrying their armor on the march; not less than 40,000 servants attended the 80,000 legionaries of another Caepio. It was therefore great good fortune for Rome that no formidable enemy appeared at that time, and that before the Cimbri, the Social War, and Mithridates, discipline and military spirit had been restored by Marius.

To bring back the army to obedience was no very difficult task; a resolute will was sufficient, and Rome will often find men possessing that energy. But the military condition imposed upon the Senate by so many conquests, the obligation always to have legions on foot in some provinces, produced a social phenomenon hitherto unknown. These constantly renewed expeditions were making of the service a profession, and preparing, two centuries before the battle of Actium, the permanent army of Augustus and of the Empire. Formerly the people and the army were one; the long continuance of wars in remote countries effected the separation between the citizen and the soldier. Whilst the former was growing mendicant and venal, the latter forgot in the camp the ways of civil life, and from being a patriot became a mercenary. Retained fifteen and twenty years under the standard without the opportunity, as in earlier days, of returning each winter to his home, the soldier made the camp his country, finding therein the satisfaction of all his wants.

Thus, under the pressure of events, all suffers change, — army and people alike. It was inevitable; but the time was coming when these armies would give to their generals the power that the people formerly gave to its tribunes, and a military revolution was to be the logical sequence of the conquest of the world.

At Rome a hungry crowd; in the camps men who above all believe in the power of the sword; above both an aristocracy very limited in number, who intend to reserve for themselves the

plunder of the world,—such is the situation which is hidden from prejudiced eyes by the deceitful words, “the Roman Republic” and “Roman liberty.”

We have spoken only casually of a class which has been slowly forming below the senatorial aristocracy, that of the moneyed men who were to play an important part in the dissolution of Rome, as did the French financiers and farmers-general in the decomposition of the old French society. At Rome, the census or enumeration of citizens and their fortunes, taking place every five years, was a state duty, performed with religious solemnities. The state then ascertained what were its resources in men and money, and distributed the citizens in *classes* for voting purposes in accordance with their declared fortunes. This declaration included only property in land and all that appertained to it,—*res Mancipi*, such as harvests, slaves, cattle, all things attaching men to the soil, to the city. But the declaration did not include the *res nec Mancipi*; that is to say, capital and manufactured products, which might easily be removed outside the city, and which the city, on account of their mobility, was not willing to recognize or to cover with the protection of her laws. Thus there grew up at Rome two classes of owners,—those to whom their property gave political rights, and those to whom it gave none. These latter were the *aerarii*. It was the same in France in the time of the *pays légal*, when for admission to the great civic function of the electorate account was taken only of those sorts of property which paid a direct tax to the state. At that epoch, in France as in ancient Rome, there were aerarians, and as at Rome, there were among these persons rich men, and even men of high consideration in the state.

Much has been written on the contempt felt by the ancients for all forms of trade or commerce. What we have just said explains this point by the difference that these little cities, always in danger from their neighbors, felt obliged to make between landed property, which secured them ardent defenders, and that commercial wealth, easily hidden or removed in the moment of danger, which made its possessor not so much a fellow-citizen as a temporary resident. On this account a will or a sale dealing with landed property required originally to be sanctioned by the

people, and later by five citizens, representing the five classes of landed proprietors or true citizens.

But while the old Roman people was diminishing daily in number, those to whom it had refused a place in the state were making for themselves one of great importance. The law had prohibited traffic to senatorial families; but meanwhile the extent of the empire, the victualling of the city and of the armies, the execution of great public works, roads, aqueducts, temples, basilicas, etc., were giving occasion for an enormous amount of business. All this the state abandoned to private enterprise. Italians and freedmen, enriched by petty traffic, undertook these public works, individually or in companies. The gains being enormous, those of the rich citizens who were not magistrates desired a share, and united themselves to these companies, especially after the conquest of Greece, Asia, and Africa had opened those regions to Roman speculators. In this way there came to be two quite distinct classes existing within the equestrian order. Those who **were** sons of senators thought only of succeeding to the paternal honors; the others, of obscure origin, or as new men, kept out of public office, undertook public works and the collection of revenues, and were designated publicans. Aristocratic pride gave way sometimes before the importance of the advantages to be gained, and it was admitted that traffic on a grand scale was no longer a disgrace.¹ But it was neither trade in any form, nor public works, nor banking which gave the surest profits.

The Senate had carefully reserved for the pro-consuls and praetors the political and military administration of the provinces; but, faithful to the spirit of the heroic days, had not concerned itself with the details of the financial administration, which would have involved the creation of a numerous staff of officials. Every five years the censors farmed out the taxes at public auction; that is to say, for a sum of money paid down they gave over to private individuals, usually heads of companies (*manicipes*), the right to collect for the five years the taxes due to the state. The auction having been held, the higher bidders paid the sums they had offered; and then, with a retinue of agents and slaves, these publicans set off for the province which had been given up to them. Then

¹ Cicero says (*de Off.* i. 42) that trade is more or less esteemed according as it is more or less wholesale.

began the most cruel extortions; in one case, instead of the 20,000 talents they were to levy in Asia, they wrung from the province 120,000. The governor, if he proposed to interfere, was bribed to silence: later, they intimidated him; and there remained to the victims only the slow and dangerous resource of a complaint at Rome. During the Second Punic War the publicans made themselves feared by the Senate; and in the time of the conquest of Macedon it was an established opinion that where they were, either the public treasury was wronged or the subjects oppressed. It is curious to see these publicans turning the new ideas to their own profit, and denying, in accordance with the doctrines of Euhemerus, the divinity of the gods for the purpose of being allowed to levy taxes upon consecrated lands. A priest of Amphiaraüs, in Boeotia, claiming the immunity, received answer from the publican: "Pay; your god is only a man!"¹

The conquests made by barbarians are terrible. In three cities Genghis-Khan massacred 4,000,000 men. But when these nomadic invaders have carried their fury elsewhere, quiet is restored, and the wounds made by the sword are so quickly stanchèd!² But a nation of poor peasants, accustomed to make the earth yield all that it can, a people who as yet understood of civilization no more than some new material enjoyments, must revel in its victory, and draw every possible advantage from the conquered country. Into the government of the world the Romans carried the habits of their private life. Trained to avarice by poverty, they were greedy, rapacious, pitiless, like Cato, their model, like the usurer, who had been, and still was, so severe among themselves. More terrible than war, this spirit of extortion came down upon the provinces; the publicans were its instruments, and public hatred has branded the name. Moralists reproach them also, and usually with reason. At the same time we must remember that this financial power of the publicans was the first appearance in the Roman world of something very important in modern life, to which we can offer no objection,—the power of capital, without which there could be

¹ Livy, xlv. 18; Cic., *de Nat. deor.* iii. 19: *Negabant immortales esse ullos, qui aliquando homines fuissent.*

² [This is only true when a nation is not decaying. The permanent depopulation of Upper Asia was partly caused by these massacres. Thus the plagues in the days of M. Aurelius permanently weakened the decaying Empire.—*Ed.*]

neither industry, nor commerce, nor the prosperity of the masses. Our army contractors, our financiers on change, our undertakers of great public works, have they always been more honest than the old publicans? The latter had many slaves,¹ it will be said; but they also employed many freedmen and many of free birth, who, together with themselves, made a good living, or even a fortune. Who were these overseers of workmen, *praefecti fabrum*, whom all governors of provinces and chiefs of legion gathered around them?² Balbus commenced in this way, and ended with the consulship. Scipio Africanus said once scornfully, "The same people has no right to be at once the king and the business agent of the world."³ Men emerging from shops and counting-houses are destined, however, to become daily more and more important in Rome, since part of their wealth, employed in the purchase of land, will open to them the five classes of true citizens, even the very first. Separated from the patricians by their manners, and from the people by their wealth, this aristocracy of money will have neither the haughty ambition of the great, nor the vulgar passions of the crowd; but it will have others; and it is this class, which, disturbed in its speculations by the civil wars, will aid Julius and Octavius to re-establish order by converting the government of the many into the government of the one.

¹ This employment of slaves in financial affairs rendered it necessary to create a class of actions at law, — *institoria* and *tributoria*, — to give those with whom a slave had negotiated in his master's name the right to compel the latter to fulfil the engagements made in his name. (*Dig. XIV.*, under the heads iii. and iv.) M. Pardessus (*Collection des lois marit.* i. 55) believes that these actions originated at an early period.

² In speaking of the great public works executed in Italy by Caius Gracchus, Appian says (*Bell. civ.* i. 23) that the tribune attached thus to his interests a multitude of workmen and laborers of all kinds.

³ Cic., *de Rep.*; Festus, s. v. *Portitor*.

⁴ De Witte, *Revue numism.*, 1862, p. 107. Reverse of a large bronze coin of Vespasian.



THE SENATE PERSONIFIED.⁴

CHAPTER XXXVII.

STRIFE BETWEEN THE OLD AND NEW.

I. THE REACTION ; CATO.

ALL the innovations which we have described irritated the conservative party ; the past never disappears without a struggle. Cato made himself the leader of the resistance.

He was born at Tusculum in 233. His sanguine complexion, his piercing gray eyes, his determined air did not betoken an easy-going person ; and an incisive use of language at the command of a ready intellect, which was well able to find the weak point in every argument, and to be successful in every undertaking, made him a person not to be overlooked.¹ An epigram current at the time of his death avers that Pluto dreaded to receive this man, "always ready to bite." He was never accommodating ; when Eumenes came to Rome he refused to see him. "But he is an upright man," it was said, "and a friend to Rome." "That may be so," was Cato's answer ; "but a king is by nature a carnivorous beast." He was scarcely more civil to the populace. One day, when the crowd called for a distribution of corn, he opposed the measure, and his address began with these words : "Citizens, it is hard to speak to the belly, which has no ears." A tribune, suspected of poisoning, proposed a bad law : "Young man," Cato said to him, "I know not which is worse, to drink your potions or to ratify your measures."

From his father Cato had inherited a small estate in the

¹ His name was Porcius ; he was called Cato (*Catus*), on account of his shrewdness. Some authors place the date of his birth in the year 238. This is a mistake ; for he says himself that he made his first campaign "at the age of seventeen, when Hannibal, still victorious, brought fire and sword into Italy." These words can refer to no other than the year 216 ; but we are forced to admit that both Plutarch and Livy are wrong in representing him to have died at the age of ninety.

Sabine country. There primitive manners still existed; and at the end of his ground he saw the hut and the seven acres which had formed the whole patrimony of Curius Dentatus. Cato was inspired by this great example of a frugal and laborious life. He truly said, "Idleness kills more men than labor does." And so daily he worked with his slaves, eating and drinking with them, in the winter clad in a simple tunic, in the summer stripped under the hottest sun. When field work was over he practised as an



TUSCULUM (FROM AN ENGRAVING IN THE BIBLIOTHÈQUE NATIONALE).

advocate in the neighboring towns, exercising himself in those combats which were to be the business of his life.

Economical on his own behalf as well as for the state, he was wont to say that whatever one could do without was dear, even at an obol; and so long as he was in command of the legions he took from the public granaries, for himself and his suite, but four and a half bushels of corn a month. During his consulship his dinner never cost him more than thirty ases; and on returning

from Spain he sold his charger to save the state the expense of transport. It is true that he auctioned his sick or aged slaves. "For my part," says Plutarch, "I could not have the heart to sell my old ox who had used up his strength in ploughing my field." But this was a refinement which Cato did not at all understand. His calm, precise mind lacked elevation and grandeur. The Roman is above all things the man of business, and Cato was more Roman than any of them. Elegance in mind or manners, love of the arts, seemed to him criminal tastes;¹ he so loved the merely useful as even to sacrifice to it the noble. But we must not forget his fine definition of the orator: "The upright man, expert in fine language."

It remained still the custom at Rome for men of rank to seek out and advance to public office young plebeians of promising talent. This was useful to the state and also to the patron, securing to the Republic good servants, and to the aristocracy devoted clients. The English nobility act thus to their great advantage. At times the dependant disappointed the expectations of his patron; thus Marius became the mortal enemy of Metellus, who had opened to him a public career; but Cato, attaining the highest honors in the state, remained friendly to the man who had founded his fortunes. This was the noblest patrician in Rome,³ Valerius Flaccus. Having personal knowledge of the stern virtues and of the talents of Cato, Valerius induced him to come to Rome, and there supported him with his influence; and Cato, though a new man, was able, before he had reached the age of thirty, to attain the legionary tribuneship.⁴ Later he was sent into Sicily



COIN OF CATO.²

¹ He affected a contempt for the Greek muses: *Quandocumque ista gens suas litteras dabit, omnia corrumpet.* (Pliny, *Hist. Nat.* xxix. 1.) He regarded Socrates as an old babbler; he ridiculed the school of eloquence taught by Isocrates and the pupils who continued for years with him, as if they were waiting to plead before Pluto.

² M. CATO. PRO. PR. ROMA. Head of Liberty. On the reverse, the word VICTRIX, engraved beneath a seated Victory. Silver coin of the Porcian gens.

³ Concerning the privileges enjoyed by the gens Valeria, see Dionysius, v. 39; Plutarch, *Publ.* 20 and 23; Livy, ii. 31; Cic., *de Leg.* ii. 23.

⁴ As early as this time he manifested the severity of his principles by contributing to the passing of the *lex Cincia*, which forbade judges to accept fees or receive presents. (Livy, xxxiv. 1; Cic., *de Orat.* ii. 7; Tac. *Ann.* ii. 5.)

as quaestor with Scipio. While delayed there by his preparations, Scipio at Syracuse amused himself with studying the brilliant literature of Greece, and lived surrounded by books, luxury, and amusements. Cato, who was not friendly to the Greeks, was irritated by this extravagance and self-indulgence. He expressed his dissatisfaction; but the general replied proudly that he should render account at Rome of his victories, and not of a few sesterces, and that he did not require so exact a quaestor; and thereupon dis-



RUINS AT SYRACUSE (FROM AN ENGRAVING IN THE BIBLIOTHÈQUE NATIONALE).

missed Cato. The latter returned to Rome to swell the number of Scipio's enemies gathered around Fabius Cunctator, his former chief. This, according to Plutarch, was the origin of that hatred with which Cato pursued Africanus even to the tomb. But Livy says nothing about this quarrel; he, on the contrary, shows us Scipio dividing between Laelius and Cato the command of the left-wing of his fleet in the passage from Sicily to Africa. Dislike resulted too directly from the characters and manners of the two

men for us to suppose recriminations to have passed between them. Scipio, who had all the tastes of a superior mind and a refined soul, desired his countrymen to unite to the achievements of war and of statecraft those of the intellect. He had learned to love studious leisure; and the great poets and artists of Greece¹ had opened to his mind those wide horizons in which personal objects disappear, and even the city itself is lost from sight.² Scipio, spoiled by successes and by his own genius, forgot that he was the citizen of a Republic whose first law was equality. His former quaestor cruelly reminded him of this.

After filling the office of plebeian aedile, Cato received the praetorship of Sardinia, in which office he gave conspicuous instances



PHOENICIAN SCARABAEI FOUND IN SARDINIA.³

of his severity and of his honesty. He banished all usurers from the island, and he refused the money which the province, in

¹ Scipio erected in the Capitol, in front of the street leading to the temple, an arch of triumph ornamented with seven gilded statues, two horses, and four marble basins. (Livy, xxxvii. 3.) His second son wrote a history in Greek. (Cic., *de Sen.* 35; Brutus, 77.) Lucius Scipio erected his own statue in the Capitol with the chlamys and sandals. (Val. Max., ii. 6.)

² *Si quis, illo Pacuviano invehens alitum anguim curru, ultas et varias gentes et urbes despicere et oculis collustrare possit.* (Cic., *de Rep.* iii. 9.)

³ The *Gazette archéologique* has published, with a learned explanatory note (vol. iii. p. 74) by M. Mansell, four Phoenician *scarabaei* found in a necropolis in Sardinia. The intaglios, here represented twice their real size, are cut in the under side of each of these scarabaei, which were at once a symbol of immortality placed within the tomb to console the dead, and an amulet worn by the living to preserve from harm. The subjects represented show the fusion effected between the different religions of antiquity, and render them specially interesting. Nos. 1 and 2 show those beings called in Scripture *satyrs*, in the Septuagint *δαίμονια*, and by Saint Jerome *incubonae vel satyros*. They are, in fact, very good representations of the Greek and Roman satyr; they carry drinking-cups, and seem already intoxicated. In No. 3 are four mice surrounding a basket, and in No. 5 an ant; the rat, in the East as well as in Rome, was a prophetic animal. [But there is no word in either Greek or Latin for the rat, which they can hardly have known. — *Ed.*] The fly in No. 4 recalls the Baal-Zebub, or god of flies, of the Bible, the great god of Ekron, who had a famous oracle in the country of the Philistines. Chaldaean books give a prophetic power to flies, as the Phrygian legend of Midas to ants. No. 5 is taken from Della Marmora's work, *Sopra alcune antichità sarde*, pl. B, No. 94.

accordance with the usual custom, voted him. This conduct and the severity of his morals, exceptional in the corrupt city, combined with his rough eloquence, drew all eyes upon him. The people loved their stern censor. They did not obey him, but they applauded him, and Cato crossing the Forum in his cheap attire¹ or reproving the crowd from the rostra, and preventing a gratuitous

distribution of corn, was more respected and listened to than the habitual flatterers of the people. In the year 195 the comitia raised him to the consulship with his friend Valerius Flaccus.

Greece was not yet pacified, Antiochus was threatening, and Hannibal had not left Carthage; Spain and the Cisalpine were in insurrection. But Spain and Gaul, Hannibal and the King of Syria, were all for the moment forgotten. Vainly did kings or people demand attention; one subject only occupied senate, consuls, tribunes, and divided the public mind: Should Roman matrons be permitted to wear more than half an ounce of gold, or a dress of divers colors, or to ride in a carriage in the city? This was



A MATRON.²

the question which aroused stormy debates. These were the prohibitions instituted by the Oppian law in the darkest hours of the Second Punic War; and they had hardly been obeyed, if we may judge by the luxury which the wife of Scipio Africanus displayed in public. "When she left home to go to the temple," says a family friend, "she seated herself in a glittering chariot, herself

¹ He would never wear a toga costing over 100 drachmae.

² Bronze of heroic size found at Resina in 1745. (Roux, *Herculanum et Pompéi*, vol. vi., 1st series, pl. 67.) This figure, clad in a long tunic, is also wrapped in an ample mantle, which, falling from the head, is parted on the breast by the hands, in the attitude of prayer.

attired with extreme luxury. Before her were carried with solemn ceremony the vases of gold and silver required for the sacrifice, and a numerous train of slaves and servants accompanied her.”¹

Two tribunes now proposed the abrogation of this sumptuary law. The Capitol was thronged with the partisans of the opposing sides, and the matrons themselves besieged the Forum and wearied out the magistrates with their tumultuous solicitations. But in the consul, Porcius Cato, they found an inflexible opponent. “If, Romans,” Livy makes him say, “every individual among us had made it a rule to maintain the authority of a husband over his own wife, we should have had no trouble to-day with all these women; but now because we are unable to withstand each separately we now dread their collective force.

. . . If then you suffer them to throw off their restrictions, and at last to be set on an equal footing with yourselves, can you



SILVER VASE.²

¹ Polybius, xxxii. 12.

² The Bernay Collection (*Cabinet de France*, No. 2,804). “This beautiful vase belonged to one of those pairs (*paria synthesis*) that the ancients delighted to put together. (The Bernay Collection alone contains nine pair of vases.) The handle, of silver, is attached to the vase by a tragic mask, and at the top by two Medusa heads; these ornaments, like the other bass-reliefs, are *repoussés*. The egg-patterns and leaves which decorate the upper edge and divide the two rows of figures are the only part chased. In the lower row the silversmith has represented Achilles weeping over the body of Patroclus, and the ransom of Heector. Around

imagine that they will be any longer tolerable? . . . Often have you heard me complain that the state was endangered by two



VENUS OF CNIDUS.¹

opposite vices, — luxury and avarice ; those pests which have been the ruin of all great empires. These I dread the more as our circumstances grow daily more prosperous and happy ; as the empire increases, as we have now passed over into Greece and Asia, places abounding with every kind of temptation that can inflame the passions, and as we have begun to handle even royal treasures, — so much the more do I fear that this riches will end by conquering us. Believe me, those statues from Syracuse were brought into this city to no good. I already hear too many commending

and admiring the friezes of Athens and Corinth, and ridiculing

the neck is the carrying off of the Palladium. The composition on the matching vase represents Achilles dragging Hector's body, and the death of Achilles, and upon the neck, Ulysses and Dolon. The elegance of the vase, its perfect adaptation to the use designed, the good taste of the relief and of the composition, seem to place it in the best period of art. But a certain heaviness in the figures, and details rather Roman than Greek, scarcely agree with this theory ; we have doubtless in this vase an instance of what Roman work could produce, while yet faithful to Greek taste." (*Saglio's Dict. des antiq. grecq. et rom.* pp. 805-806.)

¹ Ancient copy of the great work of Praxiteles ; Museum of the Louvre, No. 59 of the *Clarae Catalogue*. We do not know whether this statue had already been brought to Rome, but Cato had seen enough of the fair divinities of Greece to dread the comparison with the shapeless deities of early Rome.

the earthen images of our Roman gods. For my part, I prefer these gods, propitious as they are, and I hope will continue to be, if we allow them to remain in their own mansions."

Plautus also had lately exhibited in the theatre a biting satire on the luxury of the matrons, showing them walking the streets decked out with estates, — *fundis exornatae*,¹ — as Du Bellay later said of the courtiers of Francis I., that their mills, their forests,



GREEK FRIEZE BROUGHT TO ROME, REPRESENTING MINERVA, ARGUS, AND TIPHYS.²

and farms were upon their backs. But poet and consul both failed; the law was abrogated, as it deserved to be. The new manners born of victory were stronger than this sumptuary law, made in a time of peril and public destitution.

¹ In the *Epidicus*. Notice in the *Aulularia* the long tirades of Megadorus. This play, one of the best works of Plautus, undoubtedly belongs to the time when this question of the Oppian law agitated the minds of all.

² In the British Museum. Frieze found at Rome, representing Minerva superintending the construction of the ship *Argo*; Argus works, while the goddess aids the pilot Tiphys to fold the sails. (Müller, *Monum.*, pl. xxxii. No. 238.)

Cato immediately set off for Spain. Upon his arrival he dismissed all the contractors. "The war shall support the war," he said. Scipio, content with possessing the affection of his soldiers, and sure to find them brave and obedient on the day of battle, often closed his eyes to their pleasures and their excesses. Cato, severe towards others as towards himself, was not the man to tamper with discipline. Continual drilling and indefatigable vigilance gave his army the appearance of the old legions. This campaign, which Cato recorded, did much honor to his military talents, and gave him a triumph; his conduct at the battle of Thermopylae also added to his reputation.

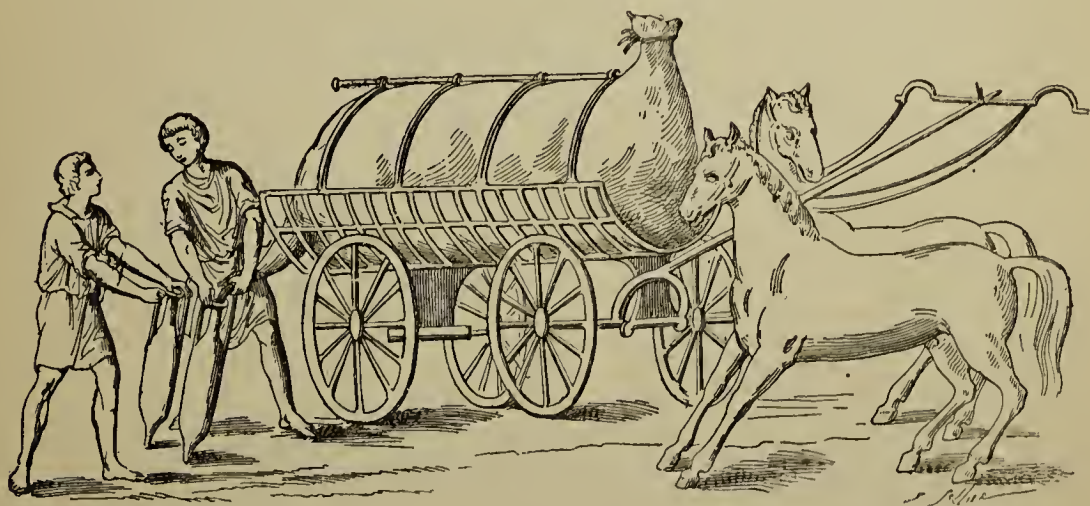
II. CATO OPPOSED TO THE SCIPIOS.

MEANWHILE the opposition towards Scipio increased daily in the Senate and among the people. Since that apotheosis, after his triumph, which he had refused, envy had marked him for its prey; and Cato, who dared not yet encounter him openly, encouraged the sharp attacks of Naevius and Plautus, the popular poets of the day. Naevius, especially, a veteran of the First Punic War, which he sang in Saturnian verses, pursued the great men of Rome with his bitter raillery.¹ "More than gold I love liberty! Submit, then; this people submits well. Do you know who will soon destroy your fine Republic?" He once dared to rail at the Metelli: "It is luck, not their services, that makes them consuls!"² They retorted by a line in the same measure: "The Metelli will bring woe to Naevius the poet" (*Dabunt malum Metelli Naevio poetae*). And they did so; Naevius was thrown into prison under a law of the Twelve Tables against the author of defamatory verses. Plautus, his friend, pleaded for him in the theatre, with much show of horror at the punishment inflicted upon the poet, whom he had seen chained to a post, with fetters on his feet day and night. Naevius retracted, and composed two pieces to

¹ Cf. Klussmann, *Cn. Naevii vita et reliquiae*, 1843.

² The line [*Fato fiunt Metelli Romae consules*] may also mean, "It is for the ruin of Rome that the Metelli become consuls."

disavow his petulant attacks.¹ At this price he obtained from the tribunes his liberty. But he soon recommenced, and this time did not fear to attack the regal power of Scipio. "What!" he says, "that which I applaud in the theatre, shall I not dare to wound therewith the ear of one of our kings?"² Alas! slavery now stifles liberty; but at the games of Bacchus we will speak with free voice." In another of his pieces he attacked the austere reputation for morality which the hero had so skilfully secured; upon this Scipio became exasperated, and the incorrigible poet was sent into exile, and made his residence at Utica.



WINE-CART.³

Plautus, warned by this example, no longer dared to mention names; but there are few of his pieces in which he does not deplore the loss of the early simplicity, and attack the manners of the times. Notice his picture of the rhetoricians and philosophers, Scipio's favorite friends: "Those Greeks who, under their long

¹ *Cum in his . . . fabulis, delicta sua et petulantias dictorum, quibus multos ante laeserat diluisset.* (Aulus Gellius, *Noct. Att.* iii. 3.)

² *Quemquam regem rumpere.*

³ From a fresco found at Pompeii in a *thermopolium*. (See also, on next page, the drinking-scene from the same source.) The first of these represents a cart containing an immense skin for the transportation of wine; the second, a tavern scene: two of the party (perhaps women) have their heads covered with a kind of hood worn at the present day upon parts of the Italian sea-coast by sailors and fishermen. The drinkers have evidently exhausted their supply, for two eups or drinking-horns are inverted, and a young *pocillator* is bringing fresh ones. Along the wall are hung provisions, — sausages, vegetables, etc.; characters are traced upon the wall, as in the pothouses of our time. (Cf. Roux, *Herculanum et Pompéi*, iii. 65-67; and Rich, *Greek and Roman Antiquities*, under the words *Carnarium* and *Caupona*.)

cloaks stuffed with books and with the provisions they have begged, assemble, confer, and walk together, all bristling with maxims. At all hours you will find them encamped at Thermopolium, intoxicating themselves with long draughts. When they steal something, they quickly run away with veiled heads, drink it hot, then return, gravely trying to steady themselves upon their drunken legs.”¹ And elsewhere of a slave meditating some rascality: “Behold him, about to philosophize!”

DRINKING-SCENE.²

But Plautus does not venture very far upon the dangerous ground of political allusions; he had rather paint the manners of the lower classes,—the knavish valet, the profligate and deluded old man, the usurer of the Forum, the parasite, and the young slave-girl, inevitably declared free in the *dénouement*. [All this was borrowed directly from the Greeks.] By this discretion Plautus only gained the advantage of being overlooked. The favor of the

¹ *Curcul.* II. iii. 13, *seq.* *Thermopolium*, wine-shop, properly a place where heated wine is drunk. The Latin word is retained in the translation, to preserve the ironical allusion to *Thermopylae*. The Romans were fond of mulled wine. Cf. also *Pseudolus*, IV. iii. 18.

² See preceding page, note 3.

aristocracy was reserved for Ennius, for Andronicus and Terence, elegant copyists of Greece and supple worshippers of fortune. Ennius was buried with the Scipios; Terence lived in intimate relations with them.¹ As for the poets of the people, Naevius² died in exile; and if Plautus was not reduced to turn a mill, as he had begun, it does not appear that his favor with the people was ever a compensation for what he lost by satirizing the great men.

The party of the old Romans was defeated in the persons of its poets; Cato avenged it.

In a republic, whoever ceases to rise begins to decline. Scipio could not remain at the height where the victory of Zama had placed him. It was in vain that he obtained the offices of prince of the Senate and of censor, showed in the latter office extreme indulgence, accused an extortioner, L. Cotta,³ and finally caused himself to be sent into Africa to allay the strife between Carthage and Masinissa, which he did not allay;⁴ his popularity was waning. Flaminius, Cato even, were the heroes of the day. To recall the attention of the people he solicited in 194 a second consulship; this was an error on his part, for this second tenure brought him no distinction,⁵ and he gave offence to the people by assigning to senators particular places in the theatre.⁶ When, therefore, in 192, he solicited the office of consul for his son-in-law, Scipio Nasica, and for his friend Laelius, he met with a double refusal. His brother, however, was elected two years later, and intrusted with the command in Asia, whither Africanus went also; but this campaign, more brilliant than difficult, added nothing to his fame, and cost him the repose of his later life. From that

¹ Whatever has been said to the contrary, Terence had some fortune, for he married his daughter to a Roman knight, and left her twenty acres of gardens along the Appian Way.

² Cicero and all commentators following him represent Naevius to have died in 204. But the verses against Scipio could not have been written till after the battle of Zama. In 204 Scipio could not be spoken of as accused and almost deprived of his command, as Naevius speaks of him; the satire at that period would have had no echo; the exile to Utica could not have taken place until after the Second Punic War. Varro, moreover, makes the date much later: *vitam Naevii producit longius* (Cic., *Brut.* 15), — to 199, according to Teuffel in his *Hist. Lat. Lit.*

³ Cic., in *Caecil.* 21.

⁴ Livy, xxxiv. 62. Livy and Plutarch also represent him as going into Asia ambassador to Antiochus; we have already (Vol. II. p. 111) expressed our doubts on this subject.

⁵ According to Plutarch he hastened to take Cato's place in Spain; Livy represents him as going no farther than the Cisalpine; but both agree in describing this consulship as of little importance.

⁶ On the subject of this attack upon equality, see Livy, xxxix. 54, and Val. Max., II. iv. 3.

time onward, to quote the energetic language of Livy, Cato never ceased barking at this great citizen. And yet he had been Scipio's quaestor; but Cato's hard and arid heart had not adopted those sentiments of respect and filial piety, which, in the opinion of the time, were due from the quaestor to his chief. At Thermopylae, Acilius, exaggerating the services of Cato, had declared in the presence of the whole army that the victory was due to him; but when Acilius sued for the censorship Cato forgot the consul's noble conduct, entered the field as a competitor, and, to make the defeat of Acilius more secure, brought against him an accusation of embezzlement of public funds. For a man who prided himself on his old-fashioned morality this was hardly following the examples of early days, or at least the virtues which all men, himself included, ascribed to those times.

At his instigation the two Petilii, tribunes of the people, summoned L. Scipio to account for the treasures delivered up by Antiochus (187). When he had brought his books into court Africanus seized them: "The details are there," he cried, "but they shall not be seen;" and he tore them up. "It shall never be said that I have undergone the affront of being obliged to give account of 4,000,000 sesterces, when I have poured 200,000,000 into the treasury."

The Senate possessed no means of coercing Scipio, and finance did not concern the popular assembly. But above this unwritten constitution of Rome was the idea of popular sovereignty, and the right, in consequence, of the comitia of the tribes to intervene when the established authorities proved inefficient. It was in virtue of this right that the tribunes later became so formidable when they separated from the Senate; and when that day did come the Republic was gone.

The Petilii presented to the tribes a proposal, which Cato supported in a violent speech, to insist that the Senate should institute a judicial commission to examine whether all the spoils of Asia had been lodged in the treasury. It is likely that there were financial irregularities in connection with the expedition. But Manlius Vulso had certainly been guilty of many worse prodigalities or dishonesties. One of the ten commissioners who had been associated with him endeavored to have him included in

the prosecution. But Cato, urged by hatred, would have but a single defendant, that his vengeance might be more certain. The senators were obliged to obey the popular decree, and the tribunal, established under the presidency of the praetor Terentius Culleo, declared L. Scipio, his quaestor, and one of his lieutenants, A. Hostilius, guilty of peculation. The restitution demanded was 4,000,000 denarii. "Unless this sum is paid into the treasury, or security be given for its payment," said the praetor, "L. Scipio shall go to prison." Gracchus, one of the tribunes, opposed his veto to this decree. "Long since an enemy of the Scipios," he cried, "I swear I am so still, and I have no desire to seek to gain their favor by my present course. But the prison to which I have seen Africanus lead so many foreign kings and generals shall not close upon his brother." And he directed that L. Scipio should be set at liberty. But Scipio's property was seized and sold, all of which proved insufficient to pay the fine, — his poverty proving his innocence. His relatives and friends were eager to make up to him what he had lost, but he accepted only enough for the barest necessities of life (187).¹

A year later, being sent into Asia to put an end to the disputes between the kings of Pergamus and Syria, he received from these princes and from the cities in alliance with Rome presents enough to enable him to celebrate on his return with great magnificence games that lasted ten days, in which were displayed all the curiosities that Asia and Africa could offer, — athletic combats, hunts of lions and panthers, and scenic representations. The man whose condemnation Cato had procured became again the favorite of the people.

ROMAN ATHLETES.²

¹ Cicero extols, in one of his orations against Verres, the disinterestedness of Scipio Asiaticus, and in the *de Officiis* that of Africanus. (ii. 22.) [But this evidence, as well as the sale of his (immovable) property, is but poor evidence against the general belief in his embezzlements; nor does his subsequent display to the people seem consistent with the indignation of injured innocence. — *Ed.*]

² Wrestlers at the pancration. (*Museo Pio Clementino*, vol. v. pl. 36, and Saglio, *op. cit.* fig. 520.)

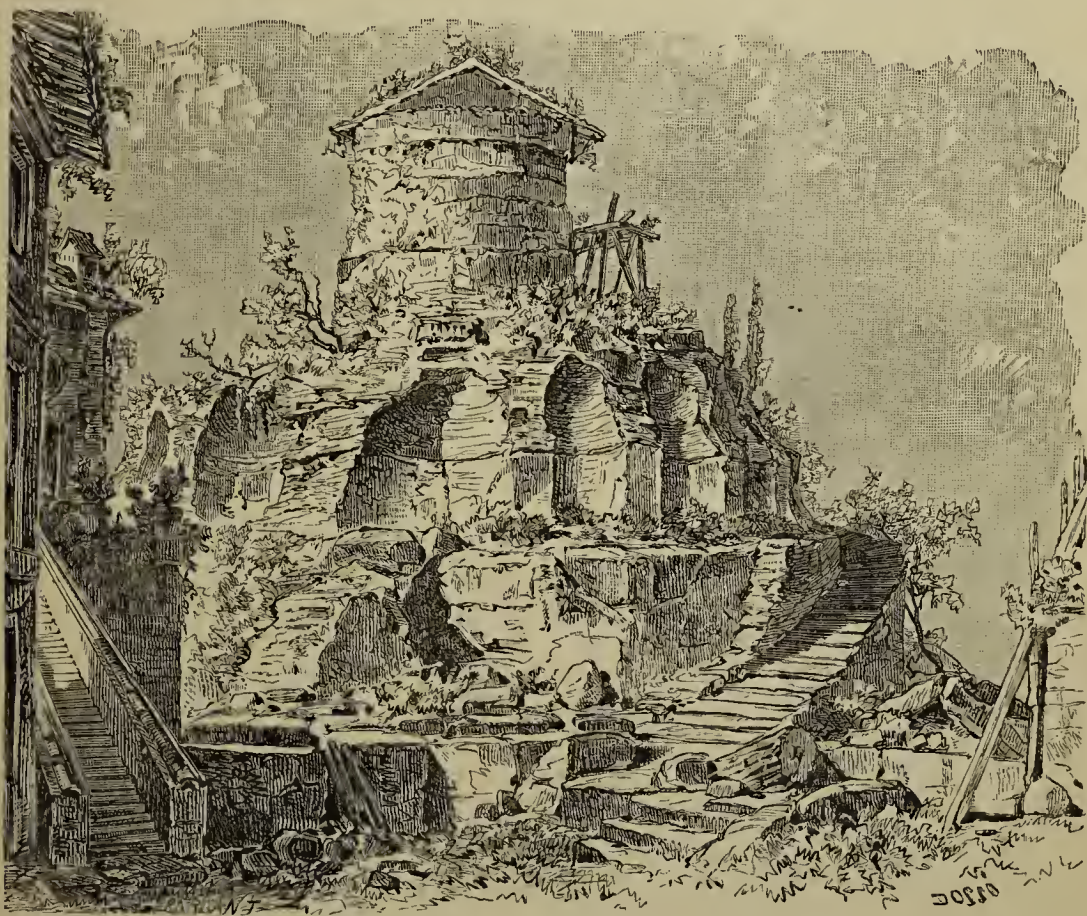
But the rude peasant of the Sabine country was tenacious in his hatred; Asiaticus having escaped him, he set on foot a criminal proceeding against Africanus before the tribes. "We must," he said, "bring down to the level of republican equality this proud citizen, whose example encourages contempt of the laws and magistrates, and disdain for the customs and institutions of the country." The tribune Naevius accused Scipio of having sold peace to the King of Syria.

SCENIC REPRESENTATION.¹

On the appointed day Africanus appeared, surrounded by a numerous crowd of friends and clients. "Tribunes of the people, and you, Romans," he said, with splendid arrogance, "on the anniversary of this day I conquered Hannibal and the Carthaginians. As, therefore, it is but decent for this day to adjourn

¹ Two female magicians with horses' hoofs, — emblem of infernal power. It is possible they are Hippopodes, — a Scythian nation, whose country is famous in the annals of magic; one of their cities was an Egyptian colony. (Cf. Roux, *Herculanum et Pompéi*, vol. iii. pl. 125 and p. 64.)

litigation, I go now to the Capitol, there to return thanks to the gods. Come with me and beseech the gods that you may have commanders like myself, since if you have anticipated my years with honors, I have anticipated your honors with services." Accordingly he went up from the rostrum to the Capitol, and the whole assembly followed him, leaving the tribunes alone with their slaves and the crier. Scipio, thus attended, visited in turn



RUINS OF THE TOMB OF THE CORNELII (A BRANCH OF THE SCIPIOS) UPON THE APPIAN WAY.¹

all the temples in the city; and the day was more of a triumph to him than that on which he led captive Syphax and the Carthaginians, for he now triumphed over the tribunes and over the people of Rome themselves.²

On another occasion he exclaimed, "I have brought back from Africa but a name." And foreseeing nothing but new attacks

¹ From an engraving by Piranesi in the *Bibliothèque nationale*.

² Livy, xxxviii. 51. In Aulus Gellius and Polybius (xxiv. 9), words, names, and circumstances are given differently. Livy himself avows that these last years of Scipio are full of uncertainties.

from envy and continual disputes with the tribunes, he withdrew to Liternum, determined not to attend the trial. The day arriving when he was summoned, L. Scipio pleaded the excuse of illness. This the two tribunes would not accept, and were about to proceed to some violent measure, when Sempronius Gracchus once more intervened, declaring that Scipio's excuse should be received, and reproaching his countrymen sharply for their lack of respect for so eminent a citizen. "Will men of illustrious character never," he exclaimed, "through their own merits, or through honors conferred by you, arrive at a safe and inviolable sanctuary where their old age may repose, if not revered, at least secure from injury?" The affair was abandoned; and the Senate thanked Tiberius Gracchus for having consulted the public good rather than his personal feelings.

Having thus withdrawn to Liternum, Scipio finished his days there, devoting himself to the muses in a villa which the humblest of Seneca's contemporaries would have despised. Ennius came often to read to him his verses, and to seek from the conqueror of Hannibal inspiration for a poem upon the Second Punic War. A monument consecrated the memory of this friendship between the poet and the hero. The Scipios placed a statue of Ennius, between those of Asiaticus and Africanus, upon the cenotaph erected by them near the Porta Capena. Tradition tells that in the solitude of Liternum pirates landed one day, coming from a remote country. Scipio armed his slaves; but no sooner were the brigands aware whose was the house, than they threw down their arms, and, approaching, placed upon the threshold gifts like those offered to the gods.¹ Polybius places the death of Africanus in the same year with that of Philopoemen and of Hannibal (183). What is believed to be his tomb is shown at Patrica, the ancient Liternum, and the second word of the inscription which was engraved by his own order: "Ungrateful country, thou shalt not have my ashes."²

¹ Val. Max., II. x.

² Whatever has been said on this point, we find it impossible to imagine Scipio embezzling the public funds. A man who had done such great things could never have sunk to meanness like this, especially one who, like Scipio, acted the part of the demigod. Notwithstanding the anecdote related by Val. Maximus of the dowry of 10,000 *ases* given to the daughter of Cneius Scipio, the family must have been a rich one, for Asiaticus and Africanus, very young, sought

Ennius had composed for him another epitaph: "Here lies a man whose exploits could never be suitably rewarded;" and he makes the hero say: "From the lands of the rising sun, beyond the Palus Moeotis, no man can measure his exploits with mine. If to mortal man it be permitted to ascend into the region where dwell the immortal gods, to me shall open the wide portal of the skies." These words are certainly not modest, but it was allowable for the poet to put them into his hero's mouth. Modesty, moreover, was never a Roman virtue, and men would readily have forgiven the savior of Rome if he possessed none of it.

III. THE CENSORSHIP OF CATO.

CATO was triumphant. The Scipios were humbled, and all the aristocracy with them. After the discovery of the Bacchanalia, the people, notwithstanding the keen opposition of the nobles, gave even the office of censor to this new man, whose hatred for all that was high corresponded with that instinctive jealousy against the best citizens which exists in the lowest class in calm and prosperous times. Cato had not so much sued for this office as demanded it; yet he would not have it except in company with his friend and early protector, Valerius Flaccus (184). "The city needs to be purified," he said; "and it is not the most agreeable physician, but the severest, that she requires." The aristocracy and the publicans were roughly handled. He expelled seven members of the Senate, among them an ex-consul, the brother of Flaminius, and Manilius, a candidate for the consulship. The examination of the equestrian order was equally severe; but when he deprived L. Scipio of his horse, after having already ruined him, he was suspected of envy, says his biographer. It was thought he did this only to insult

and obtained together the burdensome office of aediles (Polybius, x. 4); but their wealth was that of an early period. Afræianus fixed the dowry of each of his daughters at fifty talents, it is true, but he gave nothing while he was alive; and after his death his widow was able to pay to the sons-in-law but half of what had been promised to them. The remainder was finally paid by Scipio Aemilianus after the death of Aemilia. Nor was this sum of fifty talents an extraordinary dowry, since Plutarch affirms that Paulus Aemilius left scarcely enough to pay his wife's dower (Paul. Aemil., 4), estimating the value of his estate at 370,000 drachmae (*ibid.* 43), or, like Polybius, at more than sixty talents. As to Scipio's buildings, his villa of Liternum was very modest. (See Seneca's letter dated from that village.)

Africanus, and once more to defy the entire nobility in the person of a Scipio. Not content with the official censure, he added violent language¹ or scandalous revelations. Flaminius having imprudently asked the reason of the disgrace Cato had inflicted on his house, the censor told the following fact: in going to take command of his province, Flaminius had taken with him a favorite boy; one day during a feast, the latter reproached the consul with having taken him away from Rome on the eve of a gladiatorial display; just at the moment, a Gaul of high rank had presented himself at the consul's tent, imploring protection for himself and family. "Since you missed the show of gladiators," said Flaminius, "would you like to see this man die?" On the boy's approval, the consul seized his sword, struck the Gaul while he was yet speaking, and laid him dead at the feet of his minion. The Flamini, like the Scipios, were therefore humbled; the Galbas were to have their turn; and the Fulvii, often attacked by Cato, escaped his blows only to fall by the censure of one of their own relatives.²

The finances at this time were in the worst possible condition. Cato farmed out the revenue, at a very high price, and made advantageous contracts for public works. This integrity excited such clamor among the publicans that the Senate, gained over by the faction of Flaminius,³ broke the leases, declared the sales invalid, ordered new assignments, and granted discounts, no doubt for the interest of the state, but certainly also of individuals. Some tribunes of this party went so far as to cite Cato before the popular assembly, that he might be condemned to pay a fine of two talents. The censors reluctantly obeyed the Senate; they assigned contracts for the revenue at slight reductions; but, by way of punishment to those who had broken their first engagements, denied all such persons the right to bid. These measures were well meant, but trivial, short-sighted attempts to save the state by an imitation of the severe integrity of earlier times on the part of men who had no conception of the vast and thorough reforms of which the Republic had need.

¹ *Acerbae orationes . . . in eos quos.* (Livy, xxxix. 42.)

² In 176 Fulvius the censor degraded his own brother from the Senate.

³ Plutarch, *Cat.* 17.

Cato further took revenge during this censorship for the defeat that he had suffered in the matter of the Oppian law; he included in the enumeration of property owned by the citizens the women's dress, ornaments, and carriages, and ordered further that young slaves bought since the last census should be valued at ten times the price they had cost, and should be taxed one third per cent. Water at Rome and in its arid neighborhood was a matter of the first



SOURCES OF THE ANIO, NEAR SUBIACO.¹

necessity; but most of the aqueducts being then for the larger part of their course subterranean, like the *Aqua Appia*, the *Anio Vetus*, and the *Aqua Marcia*, fraud was easy; a strict examination brought to light many thefts of water, impoverishing the public supply, to the profit of wealthy landowners. These the censors

¹ The Anio, whose head-waters were remarkably cold and limpid, fed two aqueducts, the *Anio Vetus* (271), which began but twenty miles distant from Rome, below the city of Tibur, and the *Anio Novus*, constructed by the Emperor Claudius, who took the water much higher, at a point forty-two miles from Rome and only six from Subiaco (*Sublaqueum*).

suppressed; and they also caused to be demolished within thirty days all buildings or sheds belonging to individuals which projected into public ground; they employed contractors in paving

cisterns with stone, in cleansing the sewers, and in constructing others in quarters of the city where they were required. A road was made through the Formian mountain, and a court of justice, called the Porcian basilica, was erected.



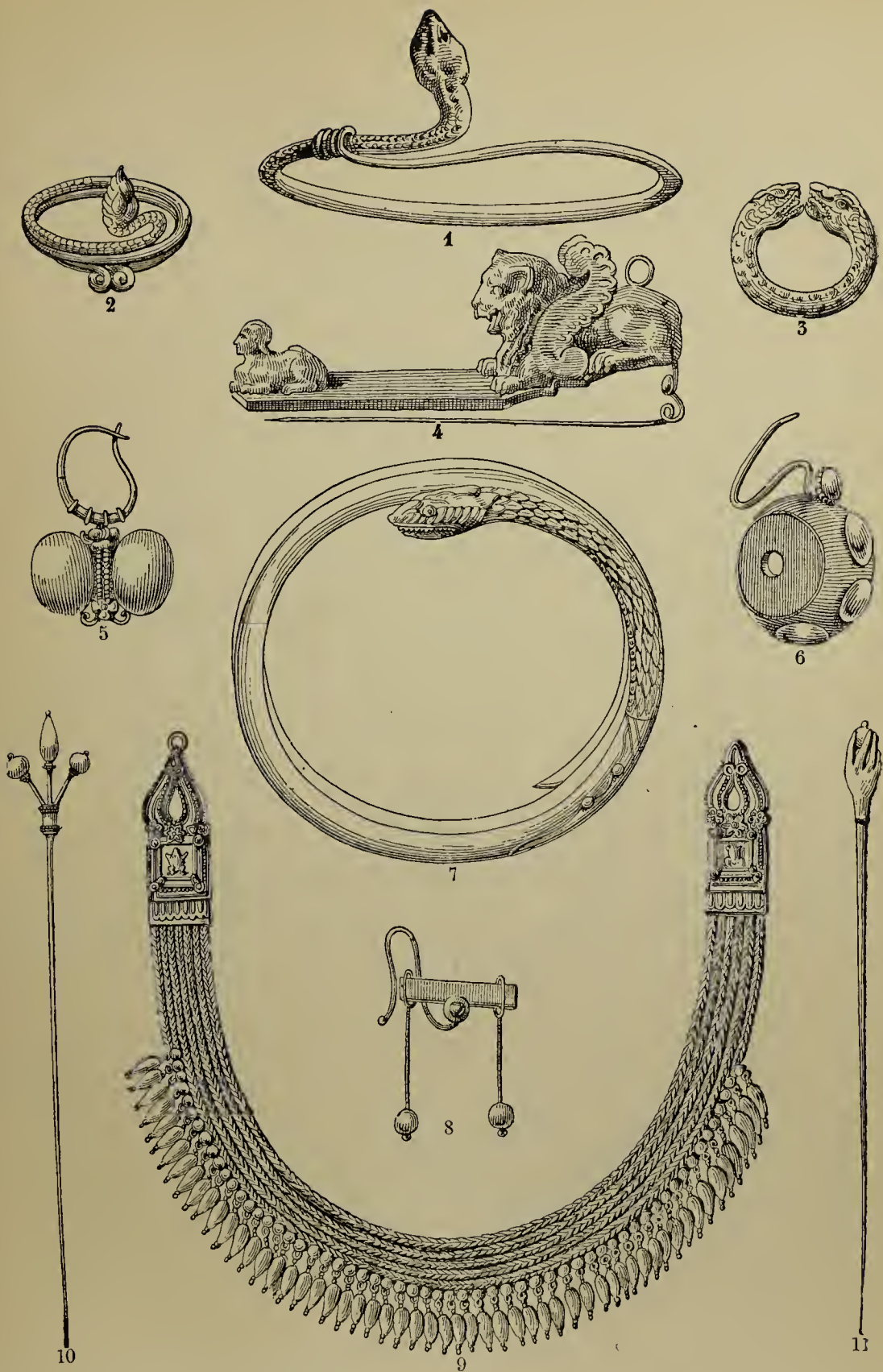
HYGIEIA.¹

His conduct as censor, so hostile to the rich and to the aristocratic party, procured Cato violent enmities; but it also gave him a splendid name and the affection of the people, who erected to him a statue in the temple of Hygieia, with an inscription signifying that he had through salutary decrees and wise institutions saved the commonwealth when on the way to ruin. There was, it is evident, a large party who sym-

pathized with the rigid censor. At its head Cato never ceased

¹ Louvre, No. 84 of the *Clarae Catalogue*. Hygieia, one of the four daughters of Aesculapius, was by reason of this reckoned among the tutelary divinities. She is represented in the Louvre offering to the mystic serpent the emblem of health or of life, the eup containing his food.

NOTE.—See p. 411 for illustration,—*Women's Jewels*:—1. Bracelet. 2. Ring representing a little serpent, the head raised. (Roux, *Herculanum et Pompéi*, vol. vii. pl. 94.) 3. Ring with double-headed serpent. (Roux, *ibid.*) 4. Pin. 5, 6. Earrings. (Niceolini.) 7. Bracelets in the form of a serpent, the eyes a disk of silver. (Roux, *ibid.*) 8. Earring with double pendant of pearls, shape frequently found in excavations. 9. Radiated collar, *monile*



JEWELS (SEE NOTE, PAGE 410).

to combat the ambition, avidity, and luxury of the great, sometimes by accusations of individuals, sometimes by enforcing the sumptuary laws, which have never been efficient, and by all those propositions which gave new but useless guaranties to old institutions. Among these are:—

In 181 a law against the custom of soliciting office, and the



HYGIEIA AND AESCULAPIUS.¹

Orchian law, to limit the number of guests and the expense of feasts.²

In 180 the Villian, or *lex Annalis*, repressing the office-seekers' canvass still further, by requiring every candidate to give proof that he had made ten campaigns, and by fixing the age requisite before a man might hold office as follows: thirty-one for the quaestorship; thirty-seven for the curule aedileship; forty for the praetorship;

radiatum, band formed of scales ingeniously interlaced, to which are attached seventy-one pendants; each side of the clasp, decorated with a frog, had a ruby cut pear-shaped; one only has come down to us. (Roux, *ibid.*) 10, 11. Hairpins.

¹ Bas-relief in marble from the Pio Clementino Museum.

² Macrobius, *Saturn.* iii. 17 See also Aulus Gellius, *Noct. Att.* xv. 9.

forty-three for the consulship; an interval of at least two years being required between holding any two of these magistracies.¹



NO. 1.



NO. 2.

DAINTIES.⁴

In 169 the Voconian law, to prevent, as at Sparta, the accumulation of property in female hands.²

In 161 the Fannian law, against luxury of the table.³

¹ Cic., *Fam.* x. 25. Other calculations, founded on the necessity of the ten campaigns, which might begin at the age of seventeen, bring the age for the quaestorship lower.

² A woman could neither be made general legatee, nor could she receive more than 100,000 sesterces (Dion., lvi. 10), or a legacy larger than that of the principal heir. (Aulus Gellius, vii. 13, xvii. 6; Cic., *in Verr.* II. 42, 43; *pro Balbo*, 8; *de Senec.* 5.) The Furian law (183) forbade to leave more than 1,000 ases to any one individual [not the direct heir?]. An attempt was made by these laws to prevent the excess of legacies which parcelled out estates and brought about the extinction or impoverishment of old families. (Cic., *in Verr.* II. i. 40.)

³ This law limited to 100 ases the expense of banquets given during the Roman and plebeian games, the saturnalia, and other of the great holidays; to thirty ases for other sacred days; finally to ten for ordinary repasts. Certain meats and drinks it forbade absolutely. (Aulus Gellius, II. xxiv. 2-6; Pliny, *Hist. Nat.* x. 50.) Not only the host, but the guests also, were liable to the penalties of this

law. These prohibitions were extended in 144 to all Italy by the Didian law. See in Macrobius (III. xvii. 4) the untranslatable discourse of an orator supporting the Fannian law: *Si quidem eo res redierat, ut gula illecti plerique ingenui pueri pudicitiam et libertatem suam venditarent; plerique ex plebe Romana vino madidi, in comitium venirent et ebrii*, etc. These sumptuary laws were many times renewed, but always in vain.

⁴ Pompeian paintings. (Roux, *Herculanum et Pompéi*, vol. v., 4th series, pl. 49.) Part of

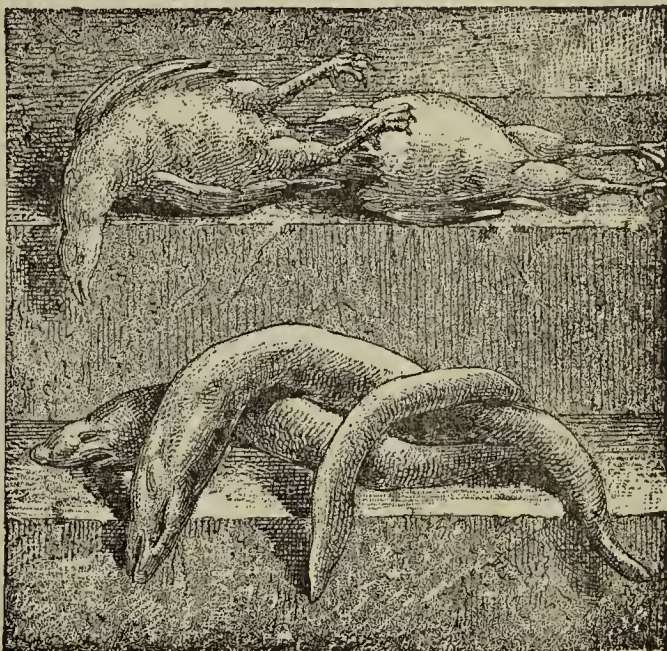
Finally, in 159 a consular law, with capital penalties against office-seekers convicted of bribery.

We may note further, as a symptom of the ideas then prevalent, that four years after this the consul Scipio Nasica caused a permanent theatre to be demolished because such an edifice would have been a standing temptation to a pleasure which the fathers of the Republic had not known.¹ In 169 Cato had instigated the decree that kings should not be allowed to come to Rome, where they always left behind them some of the vices of their courts; later he caused Carneades to be expelled, and sent home the Achaeans who had been detained in Italy. He did not even, after the fall of Perseus, feel willing to encourage a war with Rhodes, whither all generals and soldiers alike would have gone to seek

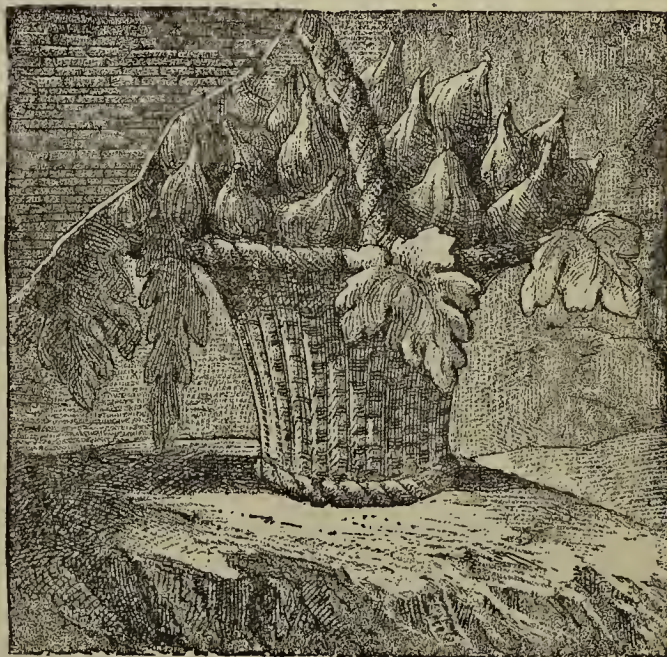
the decoration of a dining-room, which reveals to us the culinary tastes of the Romans:—No. 1. A fat chicken hanging beside a hare, — the latter so highly esteemed that the proverb, “to live on hare,” had the meaning to live in great luxury.

(Aristoph., *Vesp.* 709, and the *scholia*.) No. 2. Thrushes and mushrooms. No. 3. Partridges, a lamprey, and an eel from the Ganges (Pliny, *Hist. Nat.* ix. 3) or from Lake Copais. (Athenaeus, vii. 13.) No. 4. A basket of figs for dessert. (Cf. Roux, *op. cit.*, vol. v. pp. 91–94.)

¹ These sumptuary laws were so futile that in 145 magnificent games were given by Mummius.



NO. 3.



NO. 4.

DAINTIES.

that which Manlius had brought back from Asia; namely, new wealth and new vices.¹ "I have no doubt," he said, with bitter and cynical eloquence, "I have no doubt that the Rhodians would have been glad to see us less successful in this war. They are not alone in wishing it. . . . Still they did nothing in aid of Perseus. . . . The Rhodians wished to become our enemies; but what law punishes this mere wish? Who will say that if a man wishes to have 500 acres of public land, or if he wishes to possess more flocks than the law permit, he shall for this be fined? Assuredly every one of us wishes to have more than is permitted to him; are we punished for this? Further, it is said, the Rhodians are arrogant. I should in truth be sorry that any one



COIN OF CASSIUS
LONGINUS.²

should address this reproach to me or to any of my family; but what is it to us if the Rhodians are arrogant? Is it possible that we take offence because there is a people in the world prouder than ourselves?"

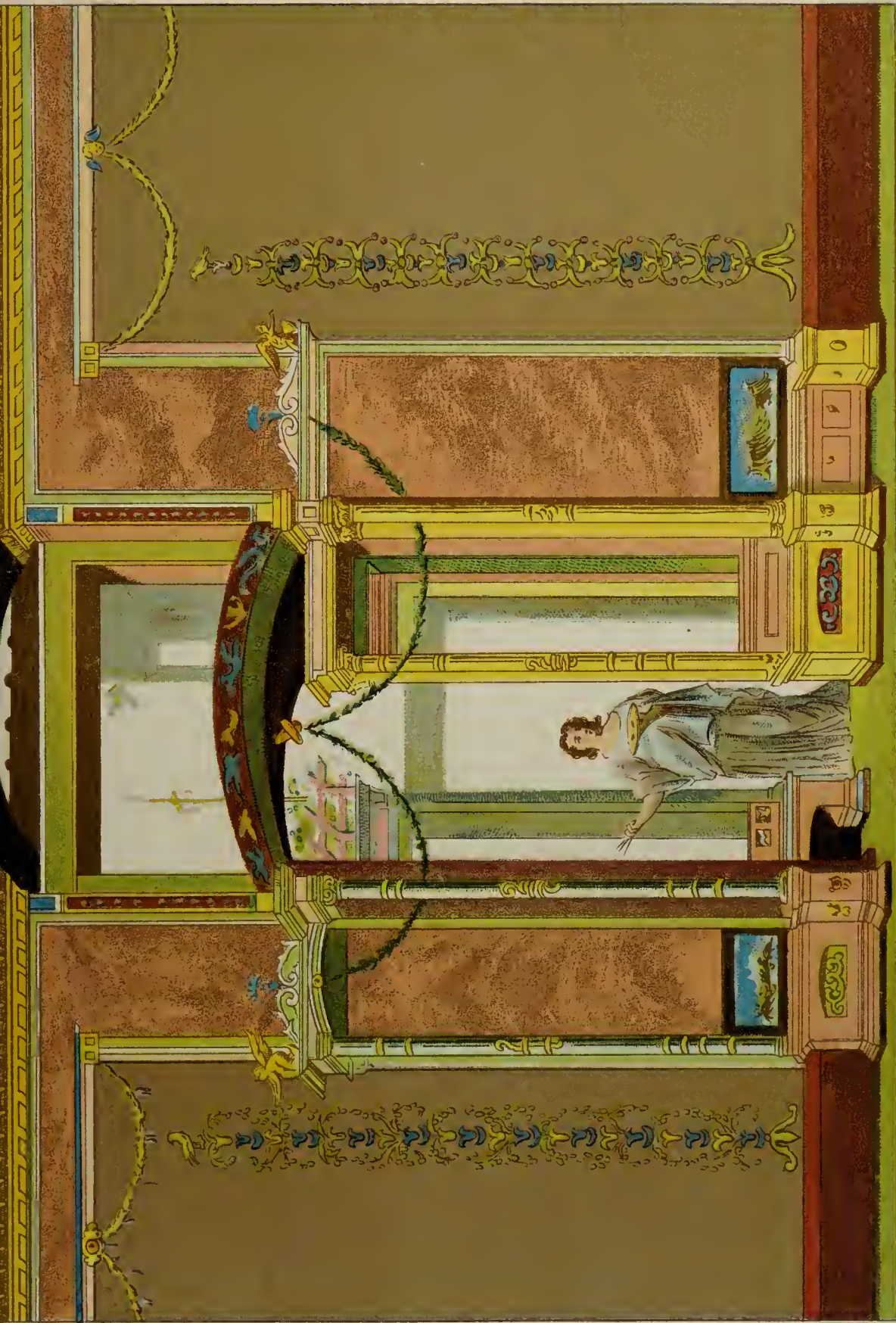
He constantly reiterated his demand that Carthage should be destroyed,³ for the reason that he saw the rapid progress of corruption, and he felt that it was only wise for the Romans, to overwhelm with a final and complete destruction their formidable enemy while they yet possessed the strength and resolution to do it. Coming generations, depraved by self-indulgence, would never, he feared, be equal to this task. During his consulate he had obtained the passage of a law, *de provincialibus sumptibus*, to limit the burdensome exactions of the governors. And no doubt he approved, very late in his life, of the efforts of the tribune Calpurnius Piso, the creator of the *quaestiones perpetuae*.⁴ Further reforms of the same nature were the *leges tabellariae* of the tribunes Gabinius and Cassius, establishing vote by ballot in 139 for the election

¹ (*Rhodienses*) *quorum opibus diripiendis possidendisque non pauci ex summatibus viris intenti infensique erant.* (Aulus Gellius, *Noct. Att.* VII. iii. 6, the oration of Cato *pro Rhodiensibus*.)

² LONGIN. III. V. A senator about to deposit his vote in the basket, with the letter V (*votum*). Silver coin of the Cassian family.

³ Cato was not the only man to say, *Delenda est Carthago*; this cry was so popular [especially among the mercantile classes] that Plautus repeats it in closing his wishes for the prosperity of Rome in the *Cistellaria* (I. iii. 54): *Ut vobis victi Poeni poenas sufferant.*

⁴ See pp. 368-369.



P. SELLIER, DEL.

POMPEIAN WALL DECORATION

of magistrates, and in 137 for the judgments pronounced by the popular assembly;¹ and not long after this all voting was in this way, making bribery more difficult. Montesquieu and Cicero are in favor of open voting, in order that the lower classes may be enlightened by the higher, and restrained by the gravity of eminent men. But when corruption is general, what can Brutus or Cato do? Moreover, even with the secret ballot, the people are sure to know what these grave personages advise and desire. Cicero's former opinion is, therefore, to be preferred; namely, that the secret ballot is the silent defender of liberty.



VOTING
SCENE.²

This vigorous war made by Cato upon the manners of his time, this attitude of perpetual censure, had created for him too many enemies to leave him in the enjoyment of tranquillity.³ Fifty times he was cited before the magistrates. The last of these occasions was in his eighty-third year. Nevertheless he prepared and delivered his defence himself, in which occur these noble and simple words: "It is indeed difficult, Romans, for a man to answer for his conduct before the men of a new generation." At eighty-five he cited Serv. Galba once more to appear before the people; "for," says Livy, "he had a soul and a body of iron, which old age had not been able to impair."

But this persevering hatred had at last called out an aristocratic reaction. Not being able to impose silence on this perpetual censor, the nobles had rendered his opposition less dangerous by breaking in his hands the weapon he was using against them. In the year 179 they destroyed the democratic organization of the comitia.⁴

¹ Cicero enumerates four of these laws: the *Gabinian* (*de Amic.* 12); the *Cassian* (*Brutus*, 25, 27); the *Papirian*, in the year 131, for the adoption or rejection of proposed laws (*pro Mil.* 3; *ad Fam.* ix. 21; *Brut. ibid.*); the *Caelian*, in 107, for voting in cases of sentence upon high treason (*perduellonis*). The tribune Cassius (Longinus Ravilla) was, after Cato, the severest and most upright man of the time. In 113 he condemned several Vestals whom the pontifex maximus had spared: we shall hear again of him.

² P. NERVA. One of the *pontes*, or narrow passage-ways, through which the voter passed to deposit his vote, — an arrangement designed to shelter him from the final and most dangerous solicitations of the candidate. A person presents a voting document to another citizen, while a third is casting it into the basket; above, an obscure symbol. Reverse of a silver coin of the Silian family.

³ *Nec quemquam saepius postulatam et semper absolutum.* (Pliny, *Hist. Nat.* vii. 27.) In the time of Cicero no less than fifty of Cato's discourses were in existence. (*Brut.* 17.)

⁴ Livy, xl. 51. See our Vol. I. p. 642. The old assembly by tribes still existed, however.

Lepidus and Fulvius, who had succeeded Cato in the censorship, had re-established for the centuriate assembly qualifications of property, that is to say, — the system of classes, abolished before the Second Punic War. Sempronius Gracchus completed this reorganization of the comitia by withdrawing the freedmen from the rustic tribes, and collecting them in one of the city tribes, the Esquiline.¹ Later the institution of the *quaestiones perpetuae*, although justified by the public interest, again furnished to the nobles, who alone filled these offices, an occasion of seizing upon the right — until that time belonging to the popular assembly — of judging finally in criminal cases.

In this return towards the past, this reaction so favorable to their privileges, the aristocracy were not negligent in the observances of religion, which all the established powers persisted in considering an important means of government. The more the spirit departed, the more resolutely they clung to the letter; and the people were terrified by prodigies upon prodigies, the magistrates recalled by severe measures to respect auspices,² the sacredness of holy days religiously maintained (the Fufian law), and lastly, even the assembly of the tribes placed by the Aelian law (167) in dependence upon the will of the augurs.³

Thus there came about by means of laws, religion, and judicial authority, as well as through the concentration of property and the degradation of the people, a complete aristocratic reaction. "Rome," says Sallust, "was divided, the nobles on one side, the people on the other; and in the midst the shattered Republic and dying liberty. The faction of the nobles was victorious; the public treasury, the provinces, offices, triumphs, all the glory and wealth of the world was theirs. Without any bond of common interest, without strength, the people was but a powerless multitude, decimated by wars and by poverty. For whilst the legionaries were fighting abroad, powerful neighbors were evicting the fathers and the children of the absent soldiers. The lust of dominion and an insatiable cupidity caused all things to be invaded, to be profaned,

¹ Livy, xlv. 15.

² Two consuls were recalled from their provinces and compelled to resign office on account of informalities in their elections. (Cic., *de Div.* ii. 33.)

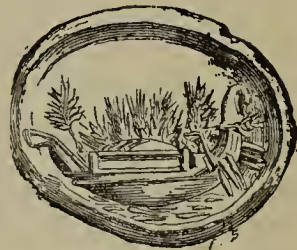
³ Cic., in *Vat.* vi. 9; *ad Fam.* vii. 30; *Prov. cons.* 19.

until the day when that very tyranny brought about its own downfall." ¹

This downfall Cato had foreseen, and, to his eternal honor, had made his life one long battle to avert it. During a period of more than sixty years he had striven against the laxity of discipline in the army, against the venality of the people, the extravagance of the women, the new tone in manners and morals. But finally, conquered himself, he gave way before the torrent. His ostentatious simplicity and frugality were lost in the scandal of his later years. Cato also lived a day too long.

"He had many slaves, whom he purchased among the captives taken in war, always choosing the youngest and such as were most capable of instruction, like whelps or colts, that may be trained at pleasure. . . . When he was a young soldier, and as yet in low circumstances, he never found fault with anything that was served up at his table, but thought it a shame to quarrel with a servant on account of his palate. Yet afterward, when he was possessed of an easy fortune, and made entertainments for his friends and the principal officers, as soon as dinner was over he never failed to correct with the whip such of his slaves as had not made good attendance or had suffered anything to be spoiled. He contrived to raise quarrels among his servants and to keep them at variance, ever suspecting and fearing some bad consequence from their unanimity; and when any of them were guilty of a capital crime he gave them a formal trial and put them to death in the presence of their fellow-servants.

"As his thirst after wealth increased, and he found that agriculture was rather amusing than profitable, he turned his thoughts to surer investments, and employed his money in purchasing ponds, hot-baths, fullers' fields, and estates in good condition, having pasture-ground and woodlands. From these he had a great revenue; such a one, he used to say, as Jupiter himself could not deprive him of. He practised usury upon ships, which was considered disreputable. His method

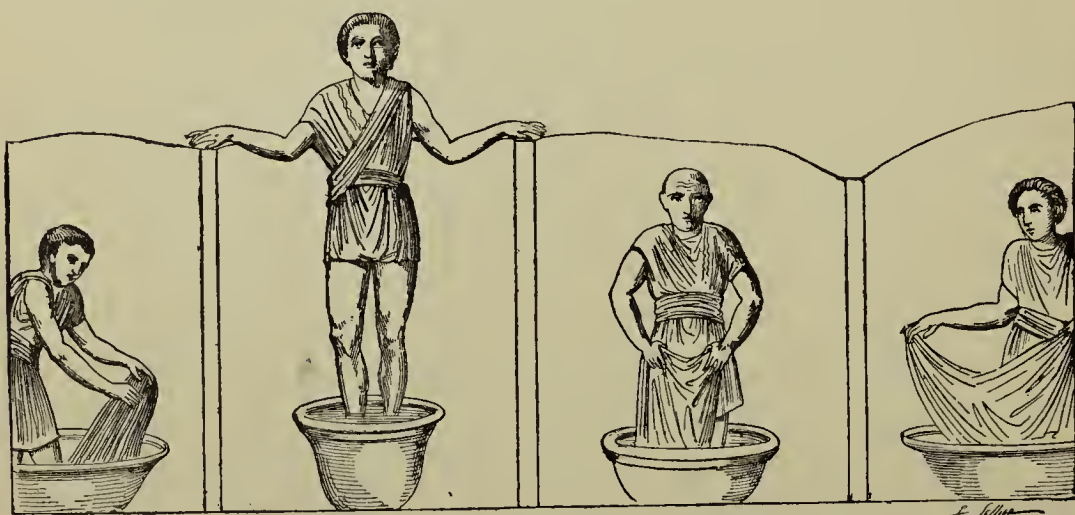


MERCHANT VESSEL.

¹ *Jugurtha*, 41, and *ad Caesar*, 4. Lucan sums up (i. 167) the causes of the Republic's fall, but with less energy than does Sallust.

was to insist that those whom he furnished with money should form a company. When there were fifty partners and as many ships, he demanded a share for himself, which he managed by one of his freedmen, who sailed and trafficked with them. Thus, though his gain was great, he did not risk his capital, but only a small part of it.

“He also lent money to such of his slaves as wished it, which they employed in purchasing boys, who were afterward trained and sold to Cato. To incline his son to the same economy, he told him that to diminish his substance was not the part of a man,



WORKSHOP OF FULLERS.¹

but of a widow woman. Yet he carried the thing to extravagance when he hazarded this assertion, — that the man truly wonderful and God-like, and fit to be registered in the lists of glory, was he whose accounts showed that he had increased what he had received from his ancestors. At an unseasonable time of life he

¹ Pompeian pictures. (Roux, *op. cit.*, vol. iii. pl. 127.) The fuller's workshops were important and extensive establishments, for the reason that all Italy clothes itself in wool. One existed in Pompeii between the street of Mercury and that of the triumphal arch; the two frescos of pages 420 and 421 decorated its peristyle. In the first of these, workmen, placed in something like niches, and standing up to their knees in vats of water, tread the fabrics with their feet. In the second, a slave is carding a white fabric bordered with red, — no doubt a senatorial toga. Another, crowned with olive-leaves, is bringing the wicker cage, over which the materials are stretched to expose them to the vapor of sulphur. This object is surmounted by the bird of Minerva, tutelary divinity of manufacturers of stuffs. A woman, wearing a collar, a gold net, and emerald bracelets, receives the completed work, and appears to be the mistress, or at least the directress, of the manufactory.

married a young girl, the daughter of his secretary, — a union unworthy of him, and at his age even to be called disgraceful.”¹

Cato conquered, Cato the object of scandal, and saying publicly that he could not understand how it was possible for two augurs to look at each other without laughing! Who was



WORKSHOP OF FULLERS.

left to withstand the torrent? Before abandoning himself to it, the austere censor had seen the flood coming in on all sides. He had caused the Greek philosophers to be driven out, he had sought to close Rome and Italy against them; but against ideas, no laws are strong enough, no walls high enough.² The senators

¹ Plut., *Cat.* 24.

² Nevertheless, in his old age, Cato read the Greek authors much, especially Thueydides and Demosthenes, and his own writings were enriched with maxims and incidents of history

Julius, Aufidius, Albinus, Cassius Hemina, Fabius Pictor, and others left Cato to write his *Origines* in Latin, themselves composing their histories in the more learned language; and this taste for Greek letters, passing through Italy, penetrated to the foot of Mount Atlas, where a son of Masinissa, Manastabal by name, extolled the muses of Mount Pindus.¹ It had been the aim of Cato to bring back frugality, labor, the dignity of the poor man; but daily the fields were more and more deserted, luxury became more ruinous, and the servility of the people greater; the elections were a market, and the tariff of votes was a public thing. He had given, in command of provinces, the example of a wise and unselfish administration; but never were exactions so numerous and so cruel. He had combated the disorder in the army; and Scipio Aemilianus found the soldiers in Spain in the most frightful state of insubordination. He had sought to bring back the nobles to a recognition of equality, to a respect for the laws, and he had beheld the formation of an aristocracy which dominated the very Senate itself. The space between the nobles and the people had widened, an abyss yawned deeper and more fatal than ever. At the close of his life Cato, if he had remained himself, would have been a stranger in Rome. .

IV. SCIPIO AEMILIANUS.

ROMAN society, therefore, was hurrying towards revolution. And the movement was legitimate; for it must needs have been that this city, in becoming an empire, should be itself transformed; that this Italian town, before it could enclose the world within its limits, should renounce its narrow spirit, its local religion, its laws hostile to the stranger; that it should open itself to all ideas and all forms of worship, that it might finally be opened to all peoples of the world. By dint of multiplying gods, they drew near to that idea of divine unity soon after proclaimed

drawn from Greek authors. Many of his sayings are translated word for word from the Greek. (Plut., *Cat. in fine*; Cic., *de Senec.* 1.)

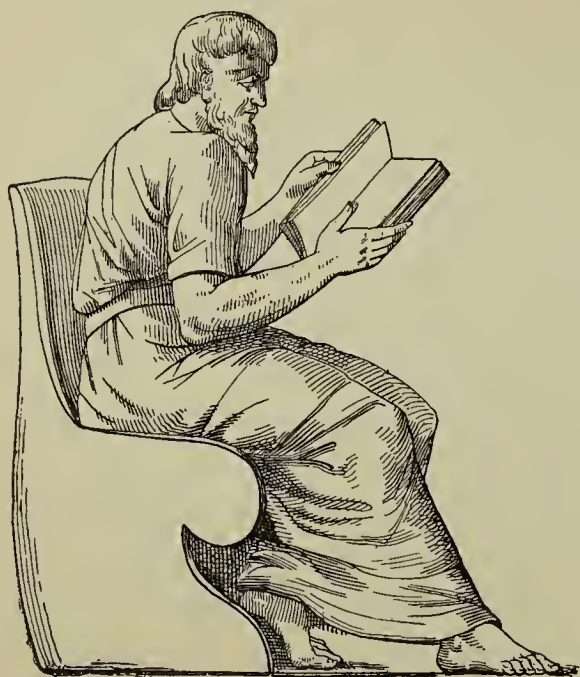
¹ Livy, *Epit.* xlix. Masinissa had Greek musicians at his table, Athenaeus tells us, and Micipsa established at Cirta a colony of Greeks. (Strabo, xvii. 831.)

by Cicero ; by destroying municipal patriotism they were to rise to that conception of the universal city, whose laws Marcus Aurelius was to write. And we, are we justified in complaining of the transformation, without which we should have been but disinherited children of the ancient world ? If the Romans had conceived for Greek literature that contempt which Alexander's soldiers had for the civilization of Africa, Phoenicia, and Central Asia, the long labor of a race endowed with all intellectual gifts would have been lost for us, as was lost the wisdom of the priests of Egypt and Chaldaea. To-day we strive with difficulty to awaken a few of those sacred echoes on the shores of the Nile, the Euphrates, and the Ganges, as we penetrate the ruins of Palenque, or explore the banks of the Ohio, asking from the New World the secrets of its mysterious past. It is fitting, therefore, that we own our obligation to the Romans, in that they showed neither the haughty contempt of the Greeks, nor the savage indifference of the Spaniards for the civilizations they destroyed, but the honest admiration which made of them docile scholars of their captives, and preserved for us so many great works.

Further, we must not regard Rome as falling suddenly and completely into vice and effeminacy. In becoming rich and powerful, she had assumed the modes of living which belong to wealth and fame, as, at an early day, she had been fashioned by poverty and weakness. Many of her citizens abused their opportunities ; many, however, were capable of uniting the elegancies of the new life with the virtues of the earlier time, and the necessary evolution which was going on would have had only fortunate results if the movement could have been retained within the limits which certain of the nobler spirits sought to maintain. The severe genius of Latium, slowly fertilized and polished by Greek science and refinement, would doubtless have given us the most glorious products ; and this it was which the greatest Romans hoped for, — Paulus Aemilius, whose life was consecrated by turns to public affairs, his children's education, and the pursuits of literature, who brought home from Macedon, as his sole booty, the library of Perseus ;¹

¹ Plut., *Paul. Aemil.* 43, and Polybius, xxxiii. 8. There was not means to pay to his wife the dowry she had brought him, and it became necessary to sell land for the purpose. A son of Paulus Aemilius, Fabius, wrote Roman annals.

Scipio Nasica, declared by the Senate to be the most upright man in the state, and his son Corculum, so modest that he refused the title of *imperator* with the triumph, and so influential that he was



READER.⁴

able thrice to postpone that destruction of Carthage upon which Cato was determined;¹ Calpurnius Piso, the austere, surnamed *Frugi*, a skilful orator, a valiant leader, a profound lawyer and writer;² the Scaevolae, eminent at the Forum and the bar;³ the two Laelii, renowned for their constancy in friendship, especially the second, surnamed "the Wise," who was the friend of Pacuvius and Terence, perhaps also their guide and counsellor; Sempronius, the father of the Gracchi, and

the pacificator of Spain; Fabius Servilianus and Manlius, who both punished with death the disorders and extortions of their sons;⁵ lastly, the Tuberos, of the Aelian family, who held four consulships during this period. They were so poor, notwithstanding their alliance with the Aemilian and Cornelian families, that

¹ In 159 the censors built a theatre with comfortable seats; Nasica represented it was dangerous to public manners to encourage scenic plays too much, and the construction of the theatre was delayed for a time.

² He composed memoirs or annals of his time.

³ Of this family the most eminent were Publius, the consul during the tribuneship of Tiberius Gracchus; Quintus, the guide of Cicero, a man who dared, in the open Senate, to resist the all-powerful Sylla; another Quintus, son of Publius, whom Cicero calls the greatest orator among lawyers, the greatest lawyer among orators. Cicero relates of the first Quintus that, buying an estate one day, he paid 100,000 sesterces more than was asked, because he considered the price insufficient. (*De Off.* iii. 15.)

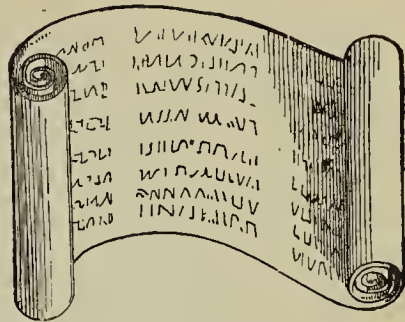
⁴ From a bas-relief in marble; a man reading a *libellus*, a volume formed of pages of parchment bound as our books are. (Rich, *Greek and Roman Antiquities*, under the word *Libellus*.)

⁵ The province of Macedon accused Silanus of extortion. Manlius, his father, judged in the case, banished the son from his presence, and when the latter, in his grief and despair, hanged himself, the father refused to be present at his funeral. (Livy, *Ep.* liv.; Val. Max., V. viii. 3; Cic., *de Fin. bon.* i. 7.)

sixteen of them held jointly only one small house and farm in the Veian country. Quintus Tubero, the son-in-law of Paulus Aemilius, never possessed any other than earthenware vessels, with the exception of a little silver cup given him by the conqueror of Macedon.¹

But the grandest figure of all among these illustrious personages is Scipio Aemilianus, and the grandson, by adoption, of Africanus. His friendship for Polybius is celebrated in antiquity.

“Our intimacy,” says Polybius, “began by the conversations that we had together in respect to the books which he lent me. When the Achaeans who were summoned to Rome were dispersed through different cities of Italy, Scipio and his brother Fabius urgently desired of the praetor that I should be allowed to remain with them. . . . One day, while Fabius was absent at the Forum, I found myself alone with Aemilianus, who said to me with gentleness, and blushing as he spoke: ‘Why is it, Polybius, when you share the same table with my brother and myself, you always address your conversation by preference to him? Apparently you think me, as do my fellow-citizens, indolent and idle, because I am not devoted to legal studies and practice. Why should I be, indeed, when all men say that

BOOK (VOLUMEN).²SILVER CUP.³

¹ Pliny, *Hist. Nat.* xxxiii. 50. Paulus Aemilius gave to him as his share of the booty five pounds of silver. In respect to all these eminent men, who sought to blend the virtues of Rome with Greek refinement and elegance, see M. Hinstin's interesting study, *Les Romains à Athènes*.

² From a Pompeian painting. A manuscript on papyrus, formed by pasting together pieces so as to form a long roll (*volumen*), which the reader opened as he read.

³ Guhl and Koner, *Das Leben der Griechen und Römer*, p. 569, fig. 452.

it is not an orator, but a general whom the Scipios should furnish to Rome?' 'In the name of all the gods,' I replied, 'do not believe that if I do as you say it is for lack of esteem towards you, but only because Fabius is the elder. Moreover I greatly admire your sentiments and your enthusiasm; and if my counsels can in any way aid you worthily to sustain the name you bear, I beg that you will command my services.' Then Scipio, taking me by the hands, exclaimed: 'Oh, when shall I see that happy day in which, free from all engagements, and living in my house, you will give me all your thoughts! I shall then feel myself worthy of my ancestors.'"¹

Scipio disposed his affections nobly; another of his friends was Panaetius, "the Rhodian master," whose philosophy, softened by Platonic influence, humanized the severities of the Porch. In his judgment virtue was the greatest good; but he admitted that other forms of good might find their place at the side of virtue, and he taught his illustrious pupil the true foundation of social order: "There is nothing virtuous which is not useful; and all which is really useful is virtuous."²

The first effect of this noble intercourse with great minds was to inspire Scipio with a love for serious studies, and an aversion for the licentious manners of the Roman youth. Thus, while Greece and Asia were infecting Rome with their vices, the friendship of Polybius increased in Scipio the old virtues of the Republic, giving them a more elevated tone; and while the spirit of rapine was invading Rome, Scipio astonished his fellow-citizens by his indifference towards money, the great problems of the city's welfare and of the life of man filling that noble mind.

These virtues of Aemilianus even won the esteem of Cato, who, hoping to find in him the destroyer of Carthage, was willing for the moment to lay aside his hatred of the Scipios. "That man alone," he said of Aemilianus, applying to him a verse of Homer,³ — "that man alone has sense; others flit like shadows." We have elsewhere spoken of his military services, his efforts to restore discipline, and his integrity in the midst of the spoils of Carthage.

¹ Polybius, xxxii. 9.

² Cic., *de Off.* iii. 6.

³ [οἷος πέπνυται, τοὶ δὲ σκίαι ἀίσσουσι.]

A few years later, when sent into the East to regulate the affairs of nations and dispose of crowns at his will,¹ he exhibited at those voluptuous courts a proud simplicity of life. He had with him Panaetius the philosopher; perhaps Polybius, and five slaves only; but at his approach kings descended from their chariots, and Ptolemy Physcon forgot his effeminacy and his claims to divine honors. "The Alexandrians," said Scipio to Panaetius, "owe us at least this, — that they have once seen their king walking."

On his return he was elected censor by the people, who refused for his sake the haughty Claudius. Into this office Scipio desired to bring a salutary severity. But he was defeated in all his efforts by the weakness of Mummius, his colleague; and in allusion to this, he said to the people that he would have justified their confidence if he had had, or if he had not had, a colleague. To preserve the early Roman virtues, simplicity, discipline, and at the same time to

MARS.³

honor the new Muses, even so far as perhaps to have aided the poet Terence, were the aims of Scipio Aemilianus. Around him were gathered a group of friends who shared in his pursuits, — the Fannii, of whom one gave his name to the first sumptuary law, and the other was an eloquent adversary of the Gracchi;² Sein-

¹ Ἐπὶ τὸ καταστήσασθαι τὰς κατὰ τὴν οἰκουμένην βασιλείας, ἵνα τοῖς προσήκουσιν ἐγχειρισθῶσιν. (Polyb., *Fr. hist.* 77.)

² Vell. Patere., ii. 9. A third, C. Fannius Strabo, son-in-law of Laelius, wrote annals which M. Brutus abridged. (Appianus, *Iberica*, 67; Cie., *de Rep.* i. 12; *de Amic.* 1.)

³ Roux, *Herculanum et Pompéi*, vol. iv. pl. 63. From a Pompeian painting, in which the formidable divinity of the Romans is represented with an air of graceful delicacy. See in Vol. I. p. 199, upon a coin, a head of Mars Ultor, of a very different aspect.

pronius Asellio, author of a history of the war against Numantia, where he had served as legionary tribune; the high-minded Rutilius Rufus, who wrote a history of Rome and his own memoirs, the former in Greek, the latter in Latin; the historian Caelius Antipater,¹ Tubero his nephew, and his friend the wise Laelius, to whom Cicero attributes such noble words in his treatise *de Amicitia*.²

But that which distinguishes Aemilianus from all the Romans of his time, is an elevation of mind till then unknown to the rapacious and rude inhabitants of the city of Mars. He who had wept over Carthage was struck with the fatal revolutions of empires, and was anxious about the future of Rome. When at the close of the lustrum, the herald, according to custom, prayed the gods to make the fortunes of Rome more prosperous and greater: "Rome is fortunate enough and great enough," he cried; "let us ask the gods no more than to preserve her where she now is!" He well measured the dangers which surrounded the Republic, surveying with an anxious eye the slow decomposition going on in morals, institutions, and even in the people itself. Perhaps he might have been able to arrest it. Cicero believed so; and the title that Aemilianus later accepted, of Patron of the Italians,³ the attempt made by his friend Laelius during the former's consulship to call for a partition of the public lands,⁴ show that he would have attacked abuses with no timid hand.

Tiberius, says Plutarch, did no more than take up the projects which Scipio had commenced. What then were these designs? Cicero, always so faithful in his *Dialogues* to the character of his speakers,⁵ puts into the mouth of Scipio the eulogium of a balanced monarchy,—a mixed government, where king, nobles, and people harmoniously work together.⁶ Elsewhere he mentions that "the favorite book of Aemilianus was the *Cyropaedia* [of Xenophon],

¹ This author was a friend of Laelius, to whom he dedicated his *History of the Punic War*. (Cic., *Orat.* 69.)

² C. Laelius Sapiens was the son of C. Laelius, the friend and brother-in-arms of Africanus.

³ App., *Bell. civ.* i. 19.

⁴ Plut., *Tib. Gr.* 8. "Tiberius would have succeeded," he said, "if Scipio had chanced to be in Rome at the time when he proposed his first law."

⁵ He himself speaks of the care he takes to draw faithful portraits; cf. his letter to Atticus on Varro and Scævola.

⁶ *De Rep.* i. 30; *Ep. ad Quint.* i. 1.

—a work in which are omitted none of the duties of an active and moderate government;” but this book is the ideal picture of a royalty absolute, though benevolent.¹ Did Scipio then think, a hundred years before the establishment of the Empire, that Rome could save herself only by abandoning her liberty? Again we find the confused notion of some great change necessary to save the state, in that passage in the *Dream of Scipio* where Africanus says to his grandson: “The entire state will turn towards thee; the Senate, all good men, the allies, the Latins will place on thee only their last hope; and, as dictator, thou wilt regenerate the Republic if thou canst escape the impious hands of thy kindred.” Then he shows to him beyond all worlds, in the midst of the divine harmony of the celestial spheres, a place brilliant with stars and glowing with light,¹ where under the eye of God they who have saved or exalted their country enjoy immortal felicity. “It is from heaven that come,” he says, “it is to heaven that return, devoted leaders and saviors of nations. *There* is the true life. Thy life is only death; train thy immortal soul by the most serious labors; above all, keep watch over thy country’s safety.”

Unhappily Scipio could not always be at the helm to guide his country. He was far away at the gates of Numantia when the revolution burst forth; upon his return Rome had already entered upon those paths of blood and violence whence there was no return, and where he himself found his death. It was because all men, himself perhaps excepted, closed their eyes to the gravity of the situation, and none thought of seeking means to amend it.² Like those old senators who in their curule chairs awaited, motionless and dignified, the entrance of the Gauls, so the Scaevolae, the Calpurnii, and the Tuberos believed they were doing enough for their country in giving her the example of a spotless life; and ready to die, but incapable of fighting, virtue suffered the evil days to draw near without action. For the most part Stoics, they were better able to suffer than to act; as jurisconsults they remained attached to the old system, and did not see that the

¹ For Cicero the consular office represented royalty. We shall see him seek to establish that equilibrium between classes in the Roman state.

² In Cicero’s *de Republica* Laelius also is indignant against Tubero and Scaevola, because they are more occupied with the apparition of two suns in the sky than with the dangerous condition of the Republic.

state had need of violent remedies which only new legislation could afford.

We will not apologize for this long examination of the morbid phenomena and the recuperative forces which the Roman Republic exhibits after the great wars were over. The moral revolution we have been considering is more important than details of battles, for it explains in advance the political revolution whose sanguinary phases for a hundred years we are now to follow. These changes going on silently in nations are like those which occur beneath the waters of the ocean. Here reefs are slowly rising out of the depths and coming near the surface, and mighty ships shall presently strike where once there was deep water; there, beneath the moving current of human affairs are born and developed new needs, — reefs upon which old institutions shall be shipwrecked when the pilots are not experienced enough to see the danger and avoid it.

¹ Colossal bust in the Louvre bearing on the two sides of the helmet the she-wolf suckling the founders of Rome. (No. 166 of the Clarac Catalogue.)



ROME DEIFIED.¹

CHAPTER XXXVIII.

THE GRACCHI.

I. FIRST REVOLT OF SLAVES.

THE last century of the Roman Republic witnessed but three great wars,—those against the Cimbri, Mithridates, and the Gauls. At the same time no period in her history was more sanguinary; for during that entire century the Romans ceased scarcely for a day to turn their arms one against another. The conquerors of the world now cut each other's throats, to determine who should enjoy the spoils.

These civil wars were complicated still further by unlooked-for incidents: the subjects joined in their masters' quarrels. Each oppressed class, even the slave, had its day of liberty and vengeance,—strange and savage saturnalia, which ended by effacing privileges, levelling conditions, confusing ideas, until a new spirit,—a new world,—emerged from the chaos of old ideas and old institutions.

To the heroism of youth had succeeded the ambition of mature years. Instead of great parties, there were only great men, who unconsciously and often, in spite of their crimes, served the cause of humanity. More and more, Rome's spirit and her people were to disappear; and this tide, constantly bringing to her Forum and her senate-house new men and new ideas, in its reflux will presently bear far away, even to the Plains of Thessaly, Macedon, and Africa, those of her chiefs who had ceased to be ashamed to appeal to arms. The Gracchi, pacific though revolutionary, will fight and die, as did the tribunes of an earlier day, upon the Capitol and the Aventine. But for their battle-field Marius and Sylla will take Italy; Caesar and Pompeius, the whole Roman world.

Three great names, the Gracchi, Marius, and Caesar, mark three great divisions in the history of the last century of the Republic. All three are vanquished,—Marius by his vacillation, the Gracchi and Caesar by assassination; and the nobles triumph. But for every adversary who falls, they see more enemies arise, and the debate become hotter. In the early struggle, they had for opponents only the plebeians; now there is the great crowd of the oppressed, the poor of Rome, the Italians, slaves, provincials. At every thirty years' interval they rise in insurrection: Saturninus and Cinna respond to the Gracchi; to the insurrection at Fregellae, the Social War; to Eunus, Athenion, and the complaints of the provinces, the revolt of the East under Mithridates, and of the West under Sertorius. All of these, it is true, were crushed by Sylla and his lieutenants; but if they did not each gain his cause, still they were fighting to gain a single master; and the revolution, replacing by a monarchy the dominion of the nobles, was in part their work.

The time following the Second Punic War had prepared the destruction of republican liberty; the century which preceded the battle of Actium completed its ruin, and brought forth, amid unutterable pangs, royalty, and with it public peace, which was, for two centuries and a half, the Empire's ransom.

Of the oppressed, those who took arms first were those who were suffering most; the revolt of the Sicilian slaves opened this era of blood.

The ancient world despised industry. At the present day the struggle with nature has assumed such proportions that it demands the noblest efforts of the mind, and industry is, so to speak, spiritualized; while, in having for its aim, not the greater luxury and license of the few, but the comfort of all, it has justified its power, and successfully ennobled labor. The ancients knew no other arts than eloquence and war; in a word, to act upon man by speech or by force of arms, but never upon the external world, which their frugality disdained, or from which they required only the coarser pleasures.¹ The two oracles of the

¹ Thus they trained lions, tigers, stags, and ostriches to draw chariots in the arena (Montaigne, *Chapter upon Coaches*); they exhibited elephants dancing on the tight-rope

wisdom of antiquity, Cicero¹ and Aristotle, said: "To slaves belong all those occupations which require the exercise of physical strength; to citizens, those which demand the employment of the mental powers, excepting only war, to defend the city, and agriculture, to give it food."² There is something grand in this theory. But unfortunately it degrades [mechanical] labor, by separating it from intellect and from liberty; it throws into idleness and sedition the man of free condition who is poor; and making the slave only a machine³ with a human frame, it creates all the dangers of slavery.

The contempt of the citizen for the slave in every city appeared on a larger scale in the scorn with which the warrior nations regarded the working nations; and the old world, without a law of nations, or any general policy, was but a bloody arena, where the industrious were always the conquered. Athens fell under the blows of Sparta. Miletus and Phocaea perished by the hand of the Persians; Tyre was destroyed by Alexander; Tarentum, Syracuse, and grandest of all, Carthage, by the Romans. The reason is apparent; these cities, having converted their citizens into rich voluptuaries or timid artisans, were obliged to intrust their defence to mercenary soldiers, who could not stand against the national troops of the warrior nations. When the latter saw industry everywhere the companion of weakness, they held in supreme disdain the practice of the useful arts, and the poorest amongst them could hardly resign himself to seek in industry a

(Cuvier, *Hist. des sc. nat.* i. 234); they fattened for the table the peacock, the crane, the dormouse, even snails; they practised pisciculture and the artificial fecundation of fish. But if there was in all this much for their pleasures, there was nothing for their common utility. (Isid., Geoffrey Saint-Hilaire.)

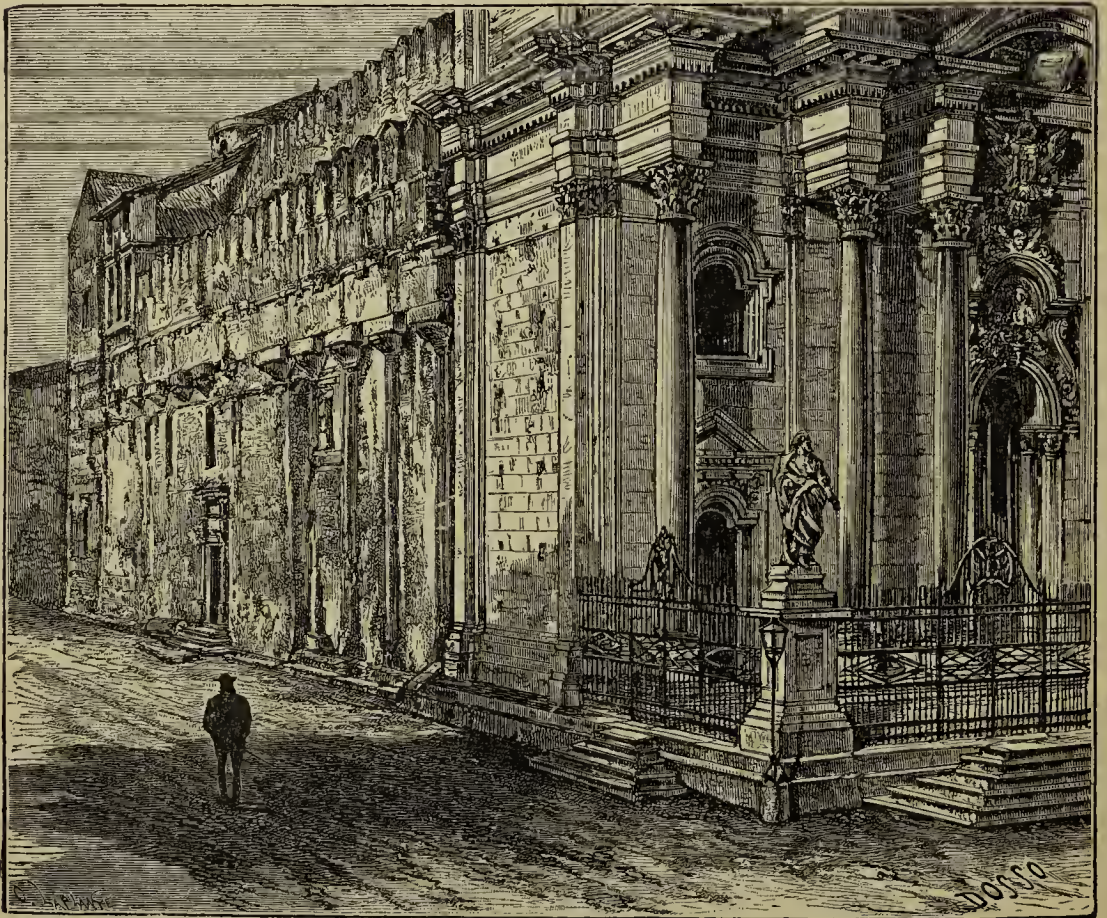
¹ Even in the mind of Cicero, the slave represented evil; and he thus defines the master's authority: *Domini servos ita fatigant, ut optima pars animi, id est sapientia, [fatigat] ejusdem animi vitiosas imbecillasque partes, ut libidines, ut iracundias, ut perturbationes cæteras.* (St. August., *Contra Julianum Pelagianum*, iv. 12, 61.)

² Aristotle writes: "It is manifest that some are naturally free, and others naturally slaves; and that for the latter, slavery is as useful as it is just." (*Polit.* I. i. 4.) Plato accepts slavery as an existing condition, but he does not justify it. [So does the New Testament.] In his ideal *Republic*, there are no slaves; but in his *Laws* he is pitiless towards them. Upon the question of slaves, see Wallon's *Histoire de l'esclavage dans l'antiquité*. This work is the best authority upon the subject.

³ The Aquilian law made no distinction between the slave and cattle: he who killed a laboring ox or a slave, paid to the owner a sum equal to the highest price at which the beast or the man had that year been sold. (Gaius, iii. § 210.) *Servile caput nullum jus habet.* (*Dig.* iv. 5, 3, § 1.)

resource against want; and only the slaves and the freedmen had the pains, as well as the profits, of labor.

In the time of simple and frugal manners, Rome had few slaves; as wants increased with luxury, more hands were needed; and war abundantly supplied the market, the captive being by right a slave, *ex jure gentium*.¹ We have seen what number of



SYRACUSE. TEMPLE OF MINERVA TRANSFORMED INTO A CHURCH.²

slaves Paulus Aemilius, Sempronius Gracchus, and Aemilianus sold. Later, Marius sent to the public market 140,000 Cimbri and Ambrones. In a single city³ Cicero derived in five days from the sale of prisoners a sum equal to about \$500,000. Pompey and Caesar boasted of having sold or slain 2,000,000 men.⁴ In time of

¹ *Dig.* i. 5, 5, § 1. In the camps of Lucullus, slaves were sold for four drachmae. (Plut., *Luc.* 14.)

² Saverio Cavallari, *Monum. della Sicilia*, tav. xi.

³ *Ad Att.* v. 20.

⁴ Pliny, *Hist. Nat.* vii. 27; Plut., *Cæs.* 19. Frequently a war between two rival cities

peace a slave trade was carried on not only by the pirates who covered the seas, but by the legions and consuls. Popilius Laenas carried off at one time 10,000 Statielli, and Cassius thousands of mountaineers. In modern times — thanks, at least, to the aristocracy of color — the negro alone has occasion to fear being enslaved. Formerly, possession was title; violence secured right. Women, children, men, were kidnapped in the cities and on the highways;¹ for the human being was then the principal commodity in the market. How many eminent men in those days fell into slavery, to speak only of Plato, Diogenes, and Terence!² The city's law no longer recognized the citizen whom force had deprived of his liberty. He remained in the eye of that law marked, even after his enfranchisement, with an indelible stain; and if he sought to recover his rights, he must return into the city secretly, so that the law might accept his excuse of absence;⁴ and if his wife had re-married, the second union remained valid.

A NEGRO.³

In default of war and piracy, regular commerce supplied the

would end by the sale *en masse* of the population of the vanquished. Thus Sicily sold all the inhabitants of Pallene; Thebes, those of Plataea; Alexander, those of Thebes; Demetrius, those of Mantinea; Rome, lastly, those of Capua, Numantia, Corinth, Carthage. (De Saint-Paul, *Disc. sur l'esclav.*, p. 71.)

¹ Cic., *pro Cluent.* 7. This was so common that many old comedies are founded upon it.

² We may add Phaedo, the friend of Socrates and the founder of the school of Elea; Aesop, Phaedrus, Andronicus, Gryphon, the teacher of Cicero; C. Melissus, the creator of the Octavian library; and most of the eminent grammarians quoted by Suetonius.

³ Museum of the Louvre, No. 554 of the Clarac Catalogue. This negro, dressed in striped material, is a very valuable specimen of polychromatic sculpture.

⁴ This was the right of "secret return." (*Dig.* xlix. 15; *Fest.*, s. v. *Postliminium*; *Plut.*, *Quaest. Rom.* 5.)

market with slaves. Surrounded by a belt of barbarous nations, the Roman world found, like the slave-traders upon the African coast, a host of petty chiefs ready to sell their prisoners, or in case of need, their subjects. From the remote parts of Gaul, Germany, and the lands of the Scythians, came down incessantly to the



GOLD COIN OF PANTICAPAEUM.²

shores of the Mediterranean long files of chained barbarians, brought by the merchants of Marseilles, of Panticapaeum, Phanagoria, and Dioscurias. There came even Britons.¹ A proof of the extent and activity of this traffic is that the Germans, whose frontier the legions had not yet touched, were so numerous in the army of the gladiators that they formed a division apart. A little money, stuffs, weapons, or the article most needed—in Thrace and Africa, salt; in Gaul, wine—were the objects of exchange. Among the Gauls, says Diodorus, for the cup, you get the cup-bearer.³ Utica and Egypt furnished negroes; Alex-



COIN OF PHANAGORIA.⁴

andria, grammarians; the marts of Sidon and Cyprus, those intelligent, docile, corrupt Asiatics, prized as house-servants; Greece, her handsome boys and girls; Epirus and Illyria, good shepherds; Germany, Gaul, and Thrace, gladiators; Cappadocia, vigorous but stupid laborers. The Spaniards had a bad name; they were said to be inclined to murder and suicide. All the barbaric world, all the conquered nations, were thus represented in the *ergastula* of Italy; and Spartacus was able to divide his companies into the Gallic, Thracian, Germanic, etc. In Sicily, the Asiatics and Syrians were in the majority. The latter especially were the insolvent debtors, ruined men, or those sold by their fathers or their princes to pay the tax; often men who had given themselves up to save their families.⁵ If we remember that in the provinces the rate of interest

¹ Strabo, *passim*.

² Head of Pan; reverse, ΠΑΝ, a griffin holding a spear-head.

³ V. xvii. 25.

⁴ Head of Bacchus; reverse, a quiver and the city's monogram. Bronze coin of Phanagoria.

⁵ Children exposed by their parents belonged to those who took them in. There were slave-growers; Cato and Crassus did not disdain this means of gain (Plut., *Cat. maj.* 32; *Crass.* 2).

was as high as 48 per cent, that the publicans intrusted with the collection of taxes committed frightful exactions, we shall understand how entire populations might be sold to liberate cities, provinces, or kings. When Marius sought aid from the King of Bithynia, Nicomedes replied: "Your publicans have left me nothing but old men and children."¹

Thus were gathered in city and country houses an incredible number of slaves: Cato of Utica, eminent for his simplicity, had not less than fifteen to attend him in the country; Damophilus, an obscure landowner in Sicily, had 400; and the Roman merchant established at Utica,² Demetrius, a freedman of Pompey, had enough to compose armies.³ Pompey raised 300 horsemen from his shepherds; and Caesar's *familia* was so numerous that more than once it made the Senate tremble. Claudius Isidorus complained that the civil wars had left him but 4,116. Scaurus, who erected a theatre supported by 360 columns, and adorned with 3,000 statues, and large enough to accommodate 80,000 spectators, had, it is said, 8,000;⁴ and Athenaeus represents certain private individuals as possessing 20,000.⁵

An unnatural condition can be maintained only by unnatural laws. To crush down into servitude,



THRACIAN GLADIATOR.⁵

¹ Diod., fragm. of book xxxvi. 3.

² Plut., in *Cat.*; Diod., V. xvii. 25; Plut., *Cat.* 68.

³ This Demetrius left his patron 4,000 talents, or \$3,800,000. (Plut., *Pomp.* 2.)

⁴ This M. Aemilius Scaurus was son-in-law to Sylla.

⁵ From a terra-cotta lamp. (Rich, *Greek and Roman Antiquities*, at the word *Thrax*.)

⁶ Cf. Plut., in *Crass.*; Suet., *Jul.*; Sen., *de Tranq.* 8; Pliny, *Hist. Nat.* xxxiii. 47. Orgetorix, a Helvetian chief, had 10,000 slaves. (Caes., *Bell. Gall.* i. 4.) In the question of the number of slaves, M. Dureau de la Malle takes part with M. Letronne against the school of Vossius and of Saint-Paul. That Athenaeus may have given an exaggerated estimate, especially for Aegina; that the *μυριάδας* of Strabo (book xiv. p. 666) for Delos must not be taken literally, — I am willing to admit; and the more since Strabo says simply: "What encouraged the pirates to capture free people was the fact that they found at Delos a rich commercial place, a market capable of receiving and despatching in one day many thousands of slaves." He does not say that this was done every day. But passages in Seneca (*de Clementia*, i. 25), in Pliny (*Hist. Nat.* xxxiii. 6), in Plutarch, and elsewhere, do not appear to me so easy to explain

into misery, and often into infamy, the man once free, a warrior, a chief even, whom war had enchained, needed a pressure which must be made stronger, the more energetic was the moral resistance. Hence that severity towards the slave, and those laws of blood, "the black code" of antiquity :¹ "No leisure for the slave,"

said Aristotle ;² "Let him sleep or work," added Cato. It would not do to give him time to think. Others, to restrain them through hunger, fed them insufficiently. "Do not take," was the prudent advice of the day, "slaves from a free nation ; they are too

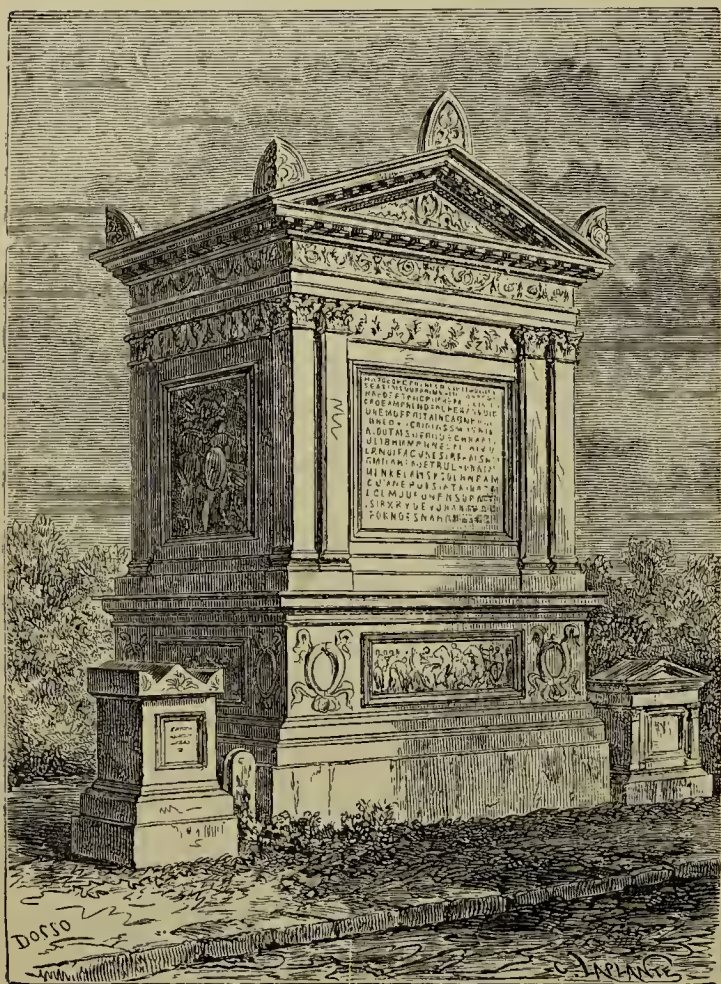
away. Moreover the fact itself of the concentration of property in a few hands brings with it necessarily the concentration also of the instruments of cultivation. On the other hand, the rich being few in number, and the middle class being destroyed, we cannot reckon from the number of slaves held by an Ovidius or a Crassus how large was the actual number in the Roman world. It is an insoluble problem.

¹ In Plautus (*Mil. glorios.*, II. iv. 19, 20), a slave says :

Scio crucem futuram mihi sepulcrum ; ibi mei sunt majores siti, pater, avos, proavos, abavos.

² Οὐ σχολή δούλοις. (Arist., *Pol.* vii. 8.) In Italy there were only ten holidays, that is to say, days of rest, in the whole year. It is quite enough, says Dionysius of Halicarnassus, in order that such marks of humanity may render the slaves docile. Later, Collumella (ii. 12, 9) counted forty-five days of festivals, or of rain, and therefore of enforced rest ; but we have seen that Cato and others knew how to utilize even the holidays, and the rainy days as well. At the beginning of the third century of the Christian era, Tertullian (*de Idolis*, 14) remarks that the pagans had not the fifty days of joy (Sundays) of the Christians.

³ Canina, *La prima parte della via Appia*, t. ii. pl. xx. This tomb, situated upon the Appian Way, between the fourth and fifth milestone, is not that of Demetrius, the rich freedman of Pompey, but was that of a member of his family, — not, however, to be determined, even by Borghese, owing to the mutilation of the inscription. We give from Canina the restored tomb, in order to show how closely our funeral monuments imitate those of the ancients.



TOMB OF A FREEDMAN OF POMPEIUS.³

dangerous. Have but a few from any one nation, that they may not conspire together; for as many slaves as a man has, so many enemies has he. Speak to them in monosyllables, to keep them at a distance. Treat them as if they were wild beasts, and render them twenty times more servile by frequent lashes."¹ They were spoken of as "the chained people," *ferratilē genus*.²

The master had the right of life and death over him, — *vitae necisque potestatem*.³ For a slight offence, for a caprice of the master, the slave died under the rod, upon a cross, crushed between two millstones, or abandoned upon the bare ground, with feet and hands, and nose and lips cut off; or hung in the air upon four iron hooks, to be devoured by birds of prey. If, to avenge his long sufferings, a slave killed his master, upon his confession all his companions also perished by tortures.⁴ If they were not in fact his accomplices, they were so in intention; and in any case they were guilty, in that they had not protected their master. Pollio, the favorite of Augustus, caused slaves to be thrown living to the eels.⁵ Augustus himself crucified one who had killed and eaten a fighting quail.⁶

If to escape these tortures and subterranean prisons,⁷ and the ever-ready whip of the executioner (*lorarius*) the slave became a fugitive and fled to the mountains, he was hunted as a wild beast, and easily recognized by his shaven head, his scarred back, his ankles lacerated by the fetters, and by the words branded on his forehead, — perhaps the name of his owner; perhaps, "I am a fugitive, a thief;" or possibly some favorite sentence of his master.⁸ On being



THE WHIP OF THE LORARIUS.⁹

¹ *Totidem hostes esse quot servos.* (Seneca, *Ep.* 47.) *Omnis herus servus monosyllabus.* (Erasmus, *Adag.* 2,393.) Plato and Aristotle insist upon the danger of having slaves *ὁμόφυλοι, ὁμόφωνοι, πατριῶται ἀλλήλων.*

² Plaut., *Mostell.* I. i. 18.

³ Gaius, i. § 52.

⁴ The Silanian senatus-consultum merely gave legal sanction to the ancient customs.

⁵ Sen., *de Ira*, iii. 40.

⁶ Plutarch, *Apophth. Rom.* 20.

⁷ *Ergastula.* (Colum., i. 6.)

⁸ Suidas, s. v. Ἀτταγᾶς; in Pliny, *Hist. Nat.* xviii. 3: *inscriptique vultus*, to designate slaves.

⁹ From a model discovered at Herculaneum. This whip (*flagrum*) was composed of several chains, with metal buttons at their extremities. These small chains, attached to a short

re-captured, he perished under the scourge, — unless, perhaps, avarice saved him, to send him to the mines or to the mill, whence there was no escape. “Then,” says Diodorus, “there is neither respite nor compassion; men sick or disabled, women, or old



A SLAVE UNDER THE SCOURGE.²

men, all labored, urged by blows, until they fell exhausted.” “Ye gods!” cries Apuleius, on entering a mill, “what a deformed population! what livid skins marked with strokes of the whip! All have been branded on the forehead, a chain on the ankle, the hair shaven on one side, and are without clothes. Nothing can be conceived more hideous than these spectres, whose eyelids are inflamed by the smoke and the strain.”¹

Suicide or flight, therefore, became so frequent that at Rome a purchaser might recover his money from the seller if he had not been warned that the slave had already been a fugitive, or had made an attempt to kill himself.³

The slave had nothing, not even a name; whatever he might earn outside of his regular labor, might be taken by the master;⁴ he had neither wife nor children, for he formed accidental unions,⁵ and his young, as Aristotle called them, belonged to the master.⁶ When he became ill, aged, or infirm, he was carried around the temple of Aesculapius; after which it was the god's affair whether he lived or died.

handle, gave heavy blows rather than lashes. Cf. Rich, *Greek and Roman Antiquities*, at the word *Flagrum*.

¹ Apul., *Metam.* 9.

² From a bronze pot found at Pompeii. Here the *lorarius* is using the *flagellum*, formed of twisted cords, which was said to inflict more painful wounds than the *flagrum*. Rich, *ibid.*, at the word *Flagellum*.

³ Dig. xxxi. 1.

⁴ Dig. xxi. 2, 3, 5. See the monologue of Davus at the beginning of Terence's *Phormio*.

⁵ Plautus, in the prologue to *Casina*, says that at Athens, at Carthage, and in Apulia, slaves could marry; but he found it difficult to persuade his audience. The marriage of the slave was called *contubernium*, and produced no legal ties of parentage.

⁶ The children belonged to the owner of the mother, by extension of the principles governing property in animals. (Pellat, *Droit privé des Romains*, p. 151.) In law, however, the slave was not a thing, but a person *alieni juris*.

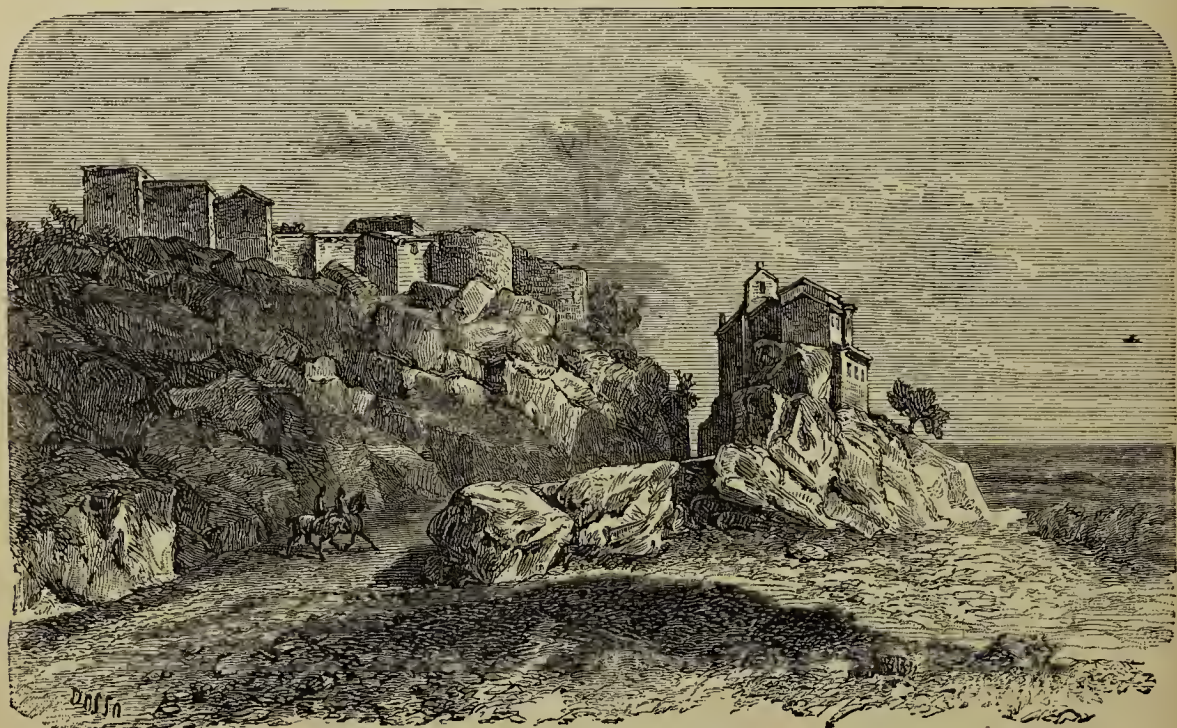
We have here the first act in the sad drama which forms the history of labor. The Middle Ages saw the second, with their serfs of the soil; modern times, with its proletariat, sees the third. But notwithstanding the several enfranchisements, the war between labor and capital is unhappily not ended yet. May the solution be speedily found which shall establish peace in this world of sore trouble!

Like cities built upon a volcano, civilizations which rest upon slavery always feel the ground tremble under them. Six times the Senate was obliged to repress partial revolts among the slaves, before having to contend against the formidable insurrection of Eunus.¹ This Syrian, a slave in Sicily, had predicted that he should be king, and confirmed his prophecy by a miracle; in speaking he breathed flames from his mouth; a nut filled with sulphur, lighted, and held in the mouth, being his method of accomplishing this prodigy. By his impostures he had acquired a great authority over his companions in misfortune, when the cruelty of a master, a very rich man of Enna, named Damophilus, brought about an outbreak.² His 400 slaves, having burst their fetters, escaped into the fields; and soon returning, massacred all the inhabitants. Damophilus himself paid hideous satisfaction to their revenge: no one was spared but his daughter, who had showed them some compassion. A similar revolt occurred at Agrigentum, and 5,000 men joined the slaves of Enna, who had put at their head the Syrian prophet, under the name of King Antiochus. As soon as there was a camp, a place of refuge, slaves from all parts of the island made their escape thither. In a few months Eunus had an army of 70,000 men. This was the time of the shameful disasters experienced by the legions before Numantia; and they were repeated in Sicily. Four praetors and a consul were defeated in turn. Masters of Enna, in the centre of the island, 200,000 slaves spread terror from Messina to Lilybaeum, and from Tauromenium, on the sea-coast, they showed their broken chains to their brothers in Italy. From one end of the empire to the other,

¹ Cf. Livy, books xxii. xxvi. xxvii. xxxii. xxxiii. xxxix., and *Epit.* lvi.

² Clinton (*Fasti Hellen.*) fixes the commencement of this war in 134; but Diodorus Siculus asserts that it broke out sixty years after the battle of Zama; that is, in 141.

the slaves were in excitement, and explosions here and there betrayed the fire that was secretly spreading, — at Delos, in Attica, in Campania; even in Latium there were attempts at revolt. Happily for Rome, these great slave-centres were separated by the seas, or by scantily populated regions. Then, as later, an insurrection could not cross the strait, because the incitements



AGRIGENTUM. — SOLE APPROACH TO THE FORTRESS COCALUS, ON THE SUMMIT OF AGRIGENTUM.¹

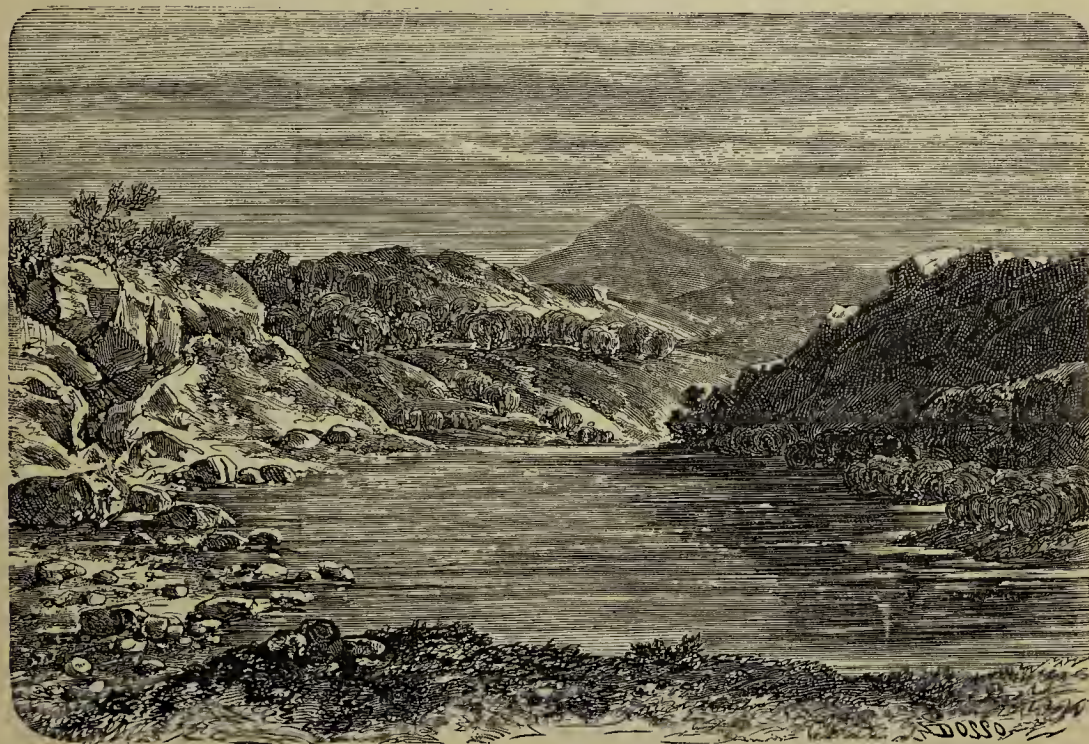
which came from Sicily were lost upon the solitudes of Bruttium and Lucania.

A servile war has always a savage character. In this revolt against a society which inflicted upon them such intolerable sufferings, the slaves sought nothing save vengeance and the satisfying of their worst passions. More depraved than their masters, they had no idea of making any change in the established order of things; and these men, still scarred with chains, offered no protest against the system of slavery. Eunus enslaved workmen of free condition of whom he had need. It is painful to say it, but the success of the servile insurrection would have been a frightful misfortune. The French Jacquerie were far better; but

¹ From an engraving in the *Bibliothèque nationale*.

after all, what did they do with their success? It is impossible to be in advance of the epoch. Slavery—that is to say, compulsory labor, the universal law of the ancient world—could give way only when free labor was honored and organized.

In 133 Calpurnius Piso, having re-established discipline in the army, compelled the slaves to raise the siege of Messina; Rupilius,



PROSERPINE'S LAKE, NEAR ENNA.¹

his successor, took Tauromenium, after having reduced them by famine to the greatest straits; Enna, finally, was given up by treachery. Then the slave-army dispersed, and only a few bands were left, easily hunted down among the mountains. All those who were made prisoners perished by torture. "King Antiochus," who had not had the courage to kill himself, was captured in a cave with his cook, his baker, his bather, and his



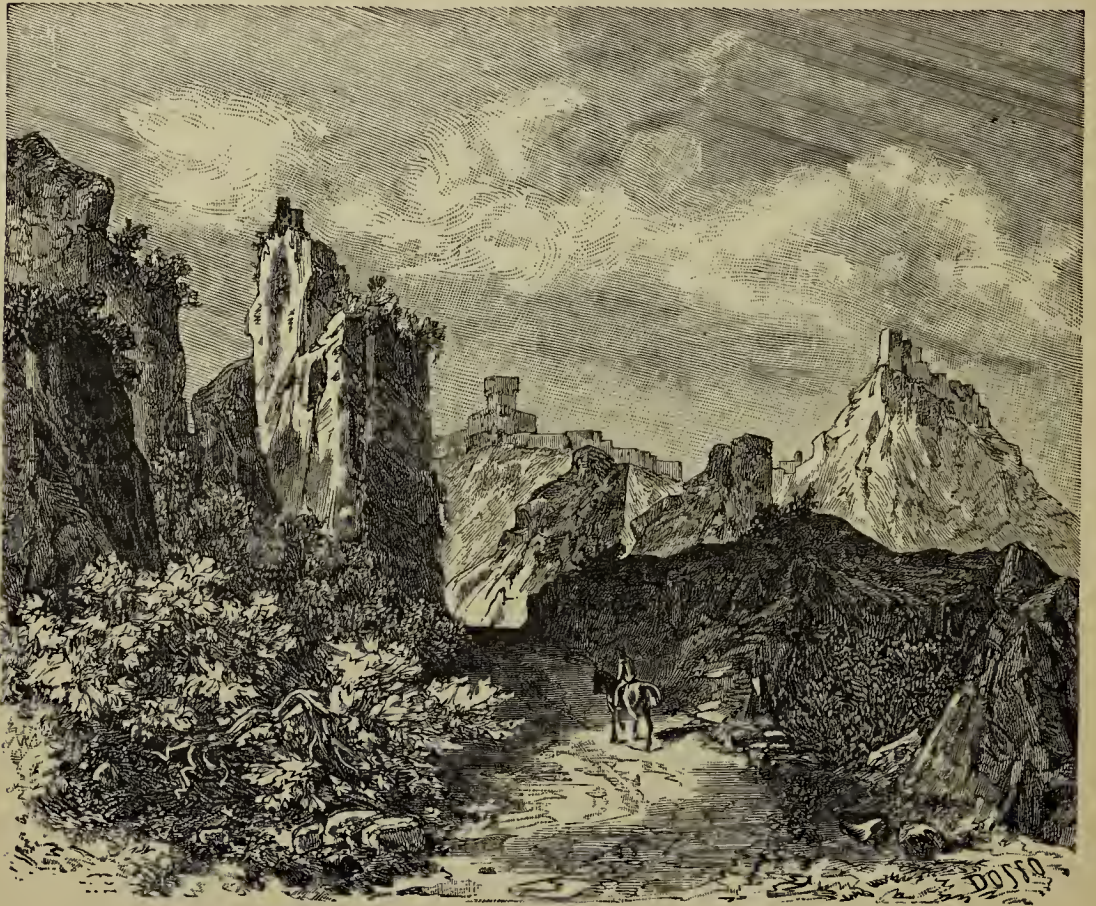
COIN OF CALPURNIUS PISO.²

¹ From an engraving in the National Library. Proserpine and her mother, Ceres, were the tutelary divinities of Enna. See Vol. II. p. 26, the coin of this city.

² Laurelled head of Apollo; behind it a laurel-branch. Reverse, C. PISO L. F. FRVG. Naked horseman racing. Silver coin of the Calpurnian family.

buffoon. He was left to die in a dungeon. Rupilius attempted to ward off danger of further insurrections by wise regulations, which the avidity of the masters soon rendered useless.¹

The revolt of the slaves was suppressed; but a civil war was beginning.



ROAD BETWEEN MESSINA AND TAUROMENIUM.²

II. TIBERIUS GRACCHUS.

IN England the aristocracy for a long period commanded both Houses of Parliament. The heads of the great houses sat in the House of Lords as hereditary peers, while the younger members of these families were elected by their tenants to the Lower House. Something analogous to this in reality, though in form very

¹ See upon this war, Diod., fragments of bk. xxxvi.; Val. Max., *passim*; Flor., iii. 19.

² From an engraving in the *Bibliothèque nationale*.

different, existed at Rome before the Gracchi. The chiefs of the great houses were senators, their younger relatives composed the college of tribunes; and in this way the same spirit, the same interests, reigned in the Forum and in the senate-house. Those whom the people considered their defenders, and with whom originated their resolves and their votes, were not merely friends of the nobles, they were themselves nobles. Thus the aristocratic faction ruled even in the Forum, where formerly storms had gathered against the government. But these storms must burst forth anew as soon as nobles occupy the tribune's office who, renouncing the spirit of their caste, take the cause of popular interests.

The first of these nobles were the Gracchi.

If an inheritance of fame obliges a man to noble actions, the Gracchi, descendants of Scipio and sons of the conqueror of Sardinia, must needs rise to great heights to remain worthy of their ancestors.

This renown of the Sempronian family had a character of its own. Military exploits were not wanting to it; but there was, moreover, something like a generous sympathy with the oppressed. It was a Sempronius who had consented to command that army of slaves whose courage did so much toward saving Rome after the battle of Cannæ; and upon the battle-field he had enfranchised them all. He who conquered Spain had pacified it also; and his name was honored in the mountains of Celtiberia as much as it was popular in Rome itself, with that popularity which clings



BUFFOON, OR JESTER.¹

¹ From an engraving. Rich, *Greek and Roman Antiquities*, under the word *Mimus*.

about great characters, and not with that favor which the crowd accords to him who flatters it best. "A man prudent and serious," says Cicero;¹ "just and inflexible," Cato said, who saw in him a Roman of the old days,—Sempronius Gracchus always showed himself the defender of the early constitution. He supported the tottering religion;² and whilst he opposed with moderation and dignity the Scipios and the other nobles,³ on the one hand he repressed the publicans, and on the other confined the freedmen to a single tribe,⁴ striving at once against the foreign crowd and the new aristocracy, in order to leave the Forum free for what still remained of the true Roman people. In the great families of Rome these domestic traditions were not forgotten; and when Tiberius offered his agrarian law, it was not, as has been asserted, on account of his hatred of the Senate, but for the sake of relieving the destitution which his father had doubtless lamented, to prevent the misfortunes he had foreseen.

Tiberius and Caius soon lost their father; but Cornelia worthily filled his place. She surrounded them with the most learned Greek masters, and herself directed their education.⁵ In their eloquence Cicero recognized their mother's, whose letters he had read.⁶ Because she reproached them for the fact that she was spoken of as the mother-in-law of Aemilianus rather than the mother of the Gracchi, her ambition has been censured. It is true she was ambitious; but the sentiment was noble and legitimate. It was her hope that her sons should save their country; and it is easy to pardon the daughter of Scipio that she rose above the weakness and egotism of maternal affection. For herself she asked no other jewels than the glory of her children; and she refused the hand of a Ptolemy⁷ and the crown of Egypt. If Tiberius had been successful, far from accusing Cornelia, men would have adored,

¹ *De Or.* I. ix. 38.

² *Cic.*, *ad Quint.* III. ii. 1; *de Nat. deor.* II. iv. 10.

³ He was, while tribune, the enemy of Scipio. Cf. *Livy*.

⁴ See his censorship in *Livy*, *ad Ann.* 169 (xlv. 15). His wife, Cornelia, bore him twelve children, of whom nine appear to have died young. One of his daughters married Scipio Aemilianus. [Cf. fuller details of his life in Neumann's *Verfall der röm. Rep.*, p. 105 *seq.*—*Ed.*]

⁵ In respect to the severity of the education bestowed in good families, see Tacitus (*de Orat.* 28).

⁶ *Cic.*, *Brut.* 58.

⁷ Ptolemy VI., Philometor.

as she herself said in an eloquent letter, the divinity of his mother.¹

Tiberius, nine years older than his brother,² was distinguished among the young men of his time by his gentle gravity and by the virtues which early gave him a conspicuous position among the nobles. Appius Claudius, an ex-consul, ex-censor, and prince of the Senate, gave him his daughter in marriage. He at first served in Africa with distinction under the command of Scipio Aemilianus, his brother-in-law, and was the first man to scale the walls of Carthage. Later (in 137) he accompanied the consul Mancinus to Spain as quaestor, where he saved the army, obtaining terms of peace from the Numantines which they had been unwilling to grant to the consul. The Senate annulled the treaty, however, and it was their intention to deliver



CORNELIA.³

up to the Numantines the consul and his quaestor naked and bound as slaves. But the people would not suffer Tiberius to be punished for his chief's rashness, and Mancinus was given up alone.

Upon his return from Spain, Tiberius found the fertile fields of Etruria deserted; in Rome, an idle and hungry multitude,⁴ no longer nourished by war; throughout Italy many millions of slaves, excited by the news of the successes of Eunus. What remedy could be found for this threefold evil,—the poverty and degradation of the people, the extension of slavery, the desolation of the

¹ Corn. Nepos. During his rule, Caius erected to her, amid the applause of the people, a bronze statue, with the inscription: To Cornelia, mother of the Gracchi.

² Plutarch represents him as thirty years of age at the time of his death: but as he was quaestor in 137, and must have been thirty-one to be eligible to this office, we must consider him as being thirty-five when he became tribune.

³ The figure is also known as the "Reader,"—a name more suitable, no doubt, than Cornelia. (*Description des principales pierres gravées du cabinet du Duc d'Orléans*, t. ii. pl. 18, and p. 41.)

⁴ A tribune in Cicero's time, advocating an agrarian law, said, *Urbanam plebem nimium in republica posse exhauriendam esse*. (Cic., *de Leg. agr.* ii. 26.) The last colonies founded had been Luna, in 177, and Auximum, in 157. Since that time no assignment of land had been authorized.

country? One alone,—to divide those immense domains that the nobles had unjustly seized,¹ to restore to ownership, to regenerate by virtue of labor, the indigent crowd,² to expel the slaves from the fields by establishing free laborers there, and to change into useful citizens those freedmen who as yet had nothing Roman save



A MENDICANT.³

the name,—in a word, to set the Republic back a hundred years by reconstituting, as the result of an agrarian law, petty ownership in land and a middle class. Not merely was this the only way of salvation left for Rome, but it was the direct carrying on of that wise policy of concessions the Senate had long followed. By this policy the Conscript Fathers had rendered Rome so strong that they had never refused to consider the interests of those new

elements which from time to time came into existence in the city. To the plebeians they had granted seats in the senate-house, to the poor they had given lands, to the allies privileges, combining with uncommon skill conservative and reform principles, the interests of the original citizens, and the welfare of the new members of the Roman world. But since universal conquest had relieved the nobles of all fear and all restraint, they disquieted themselves little about that mass of human beings whom victory had cast into Rome. It seemed to them that the time for compromises had past; in their ambition and pride they did not see that this crowd, sooner or later, would make room for itself; they did not understand that they must find a bed for this torrent under penalty of seeing everything swept away. Tiberius, in taking up the rôle of Licinius Stolo, was not, therefore, a blind revolutionist. The primitive duality had reappeared; Rome again contained two hostile peoples. The fruitful union which the tribune of the

¹ In Cicero's time, of the immense domains that the state had held in Italy, there was left only the *ager Campanus*. Cf. *de Leg. agr.* i. 21; ii. 76, *seq.*; iii. 15; and *ad Att.* ii. 16.

² These again are the counsels which Sallust, or the author of his letters, gives to Caesar.

³ From a painting in Herculaneum.

fourth century had brought about between patricians and plebeians must be renewed by him of the second century between the nobles and the proletariat. If he had succeeded in this — if he had been able to succor first the Roman poor and then the Italian people, as his brother intended, a long day of repose, of strength, and of liberty would have been secured to Rome.

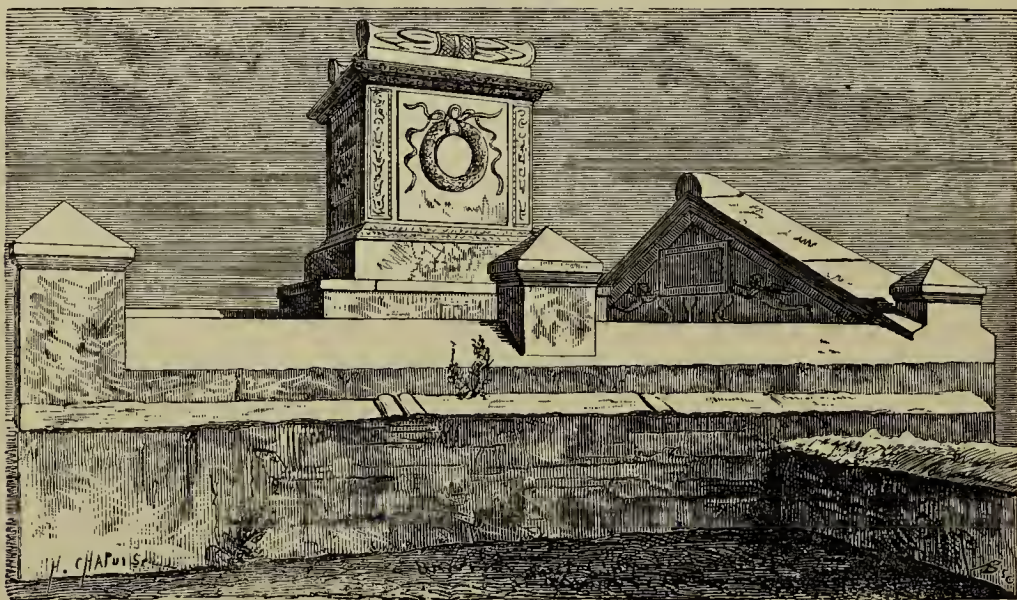
The present foundation of socialist doctrines, namely, that in some form the state owes to all its members land, implements, and credit,—that is to say, an opportunity to work,—was, for very different reasons, a thoroughly Roman idea. It came from the very heart of that society,—a persistent trace of the ancient *gentes* and of the obligations of the patron towards his clients; like the right, too, of the citizens to divide among themselves that *ager publicus* which they had won for the Republic by their courage. The agrarian laws, the cancelling of debts, the founding of colonies, had been the application of this idea. But it was now long since land had been distributed; and yet there had never been so many poor in need of it. Rome at that time was waging no war but that against the Numantines,—a formidable and unprofitable campaign,—and that against the slaves, which offered no prospect whatever of gain. All those who for the last seventy-five years had lived by the pillage of the world and by the largesses of generals, were now without employment, restless, and eager for any change. Thus revolution was in the air; and there needed only a single voice to say aloud what all men were thinking, and the aristocratic rule must be shaken to its foundations.

The Gracchi were that voice; the weapon they used was the rights of the people,—of late only vaguely perceived as a confused something above the Senate, and brought down by them from the clouds which veiled it, when they gave back to the Forum its revolutionary energy, and to the comitia of the tribes their early daring.

As soon as Tiberius had obtained the tribuneship¹ the people looked to him at once with the expectation of relief from all their distresses (133). Porticos, temple walls, and tombs were placarded

¹ Dec. 10, 134 B. C. The election occurred in June; but the tribunes did not enter upon their duties until December.

with appeals urging him to call for the restitution to the poor of the public lands. Blossius of Cumae and Diophanes of Mitylene, — his former masters, now his friends, — his mother, venerable senators, — all encouraged him. At last, having taken counsel with his father-in-law, Appius,¹ with the pontifex maximus, Licinius Crassus, with Mucius Scaevola, consul for the year and the most celebrated lawyer of his time, Tiberius Gracchus proposed in a tribal assembly of the people the following laws: —

A TOMB.²

“That no person should occupy more than 500 *jugera* of the *publicus ager*; ³

“That no person should send to the public pasture-lands more than 100 head of cattle, or 500 of sheep;

“That each landowner should have upon his estate a certain number of free laborers.”

This was the original law of Licinius Stolo, which no legal act had ever abolished. In order to render the execution of this law less burdensome to the rich, Tiberius added the following clause: —

¹ Political views were hereditary in the great families of Rome, as is now the case in England. This Appius, a friend of the Gracchi, was a descendant of the censor of the year 312 who was so favorable to the middle classes (see Vol. I. p. 406), and of the decemvir of 451, who was perhaps also a friend of the poor. (Vol. I. p. 331.)

² Tomb at Pompeii. (From Zahn, vol. i. pl. 1.)

³ Appian (*Bell. civ.* i. 9), Plutarch (*Tib.* 8-14), Livy (*Epit.* lviii.), and Cicero (*de Leg. agr.* ii. 31) show that he intended only the public lands; 500 *jugera* equal about 110 acres.

“That those occupying public lands should further be allowed to retain 250 *jugera* for each of their sons; and that an indemnity should be allowed in cases where money had been expended in improvement upon lands of which the holders were now to be deprived.¹

“Lands thus recovered by the state were to be distributed among the poorer citizens, the distribution to be of thirty *jugera*



COW-HERD.²

(about 19 acres) apiece, to be made by lot, by triumvirs elected as a permanent magistracy; and the estates thus obtained were then to be inalienable, and to pay no rent to the public treasury.”

These estates constituted, therefore, veritable landed property in every respect, except that they could not be sold.

The rich were overwhelmed with consternation. They complained indignantly that this law proposed to deprive them of the

¹ Μισθὸν ἄμα τῆς πεπονημένης ἐξεργασίας αὐτάρκη φερομένους (App., *Bell. civ.* i. 11), and not an indemnity for the value of the land given up, as has often been said, accepting Plutarch's view. (*Tib.* 9.) Appian also says that each child, ἐκάστῳ, and not all the children collectively, should have 250 *jugera*; but it appears that the head of a family might occupy in the name of two sons only, making 1,000 *jugera* the maximum.

² Cow-herd driving cattle to pasture. From the *Vergil* of the Vatican.

tombs of their ancestors, the dowry of their wives, the inheritances received from their fathers, lands which they had bought with money, upon which they had bestowed labor, which they had covered with buildings. All this was true. Since the Licinian law had fallen into abeyance, lands unlawfully seized from the public domain had been, like other property, bought, bequeathed, given in pledge, or bestowed as dowry.

Among the actual holders many had acquired this property honestly, although without legal title. But could the state lose its rights, and Liberty her last hope?

The pillage of the public domain had not been profitable to the nobles of Rome and to the publicans only. In the colonies, in the municipia enjoying the right of citizenship, wherever wealth existed, there were occupiers of the public lands. They flocked to Rome; and until the day of the comitia the city was a prey to the most violent agi-



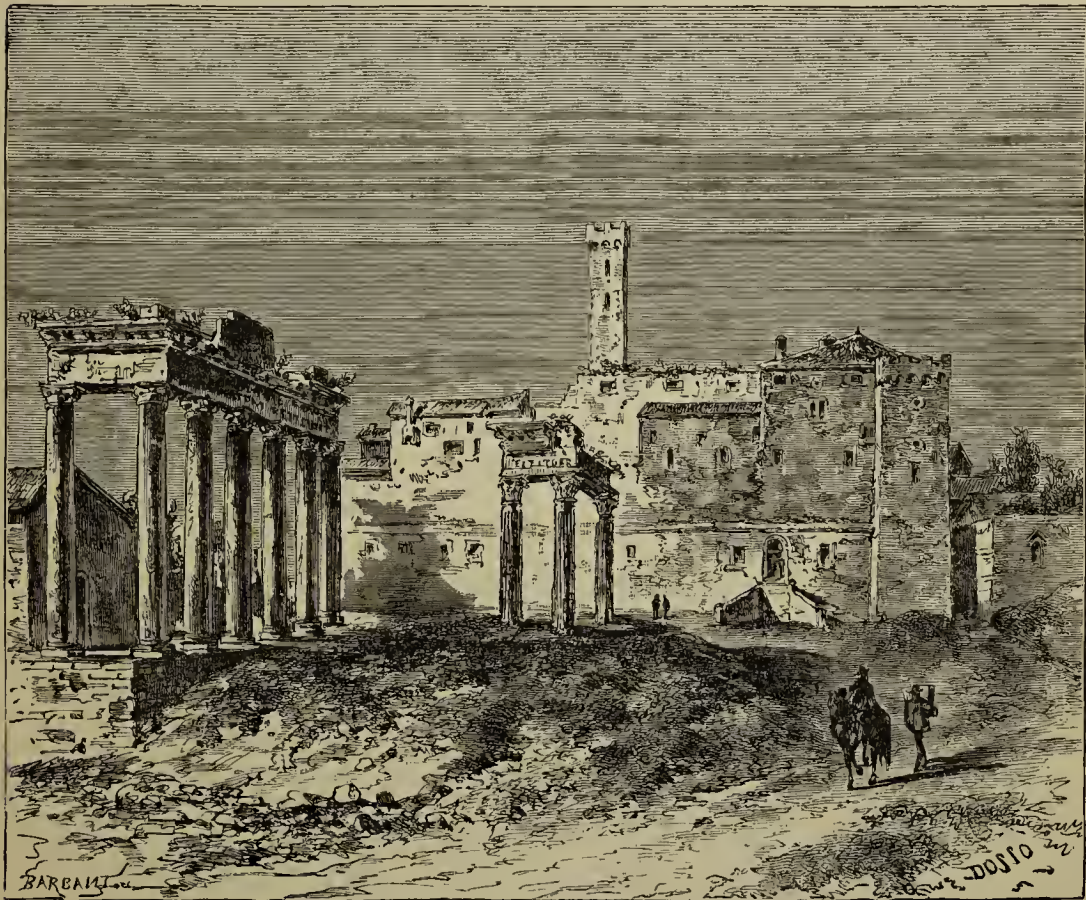
SHEPHERD.¹

tation. The day having arrived, Tiberius ascended the rostra. "Is it your judgment," he said to the assembly, "that the lands which belong to the people should be given to the people? that what was conquered by all should be divided amongst all? Do you believe that a citizen is more useful than a slave? a brave legionary than a man who cannot fight? a faithful Roman than a foreigner and an enemy?" And, addressing himself to the rich: "Relinquish a portion of your wealth, lest some day the whole be taken from you."

To these words he added prophetic advice: "The larger part of our territory," he said, "is a gain from war, and the conquest of the world is promised you. You will succeed if you have citizens enough; you will lose even what you now

¹ From a Pompeian painting. Shepherd leaning upon the *agolum*, or goad.

possess, if their number, as at present, continues steadily to decrease." The first part of this prediction was fulfilled; but as the nobles would not aid the Gracchi in putting an end to this pauperism which was undermining the Republic, it was by mercenaries, who filled the place of citizens under her banner, that the world was conquered. And these mercenaries deprived the Roman aris-



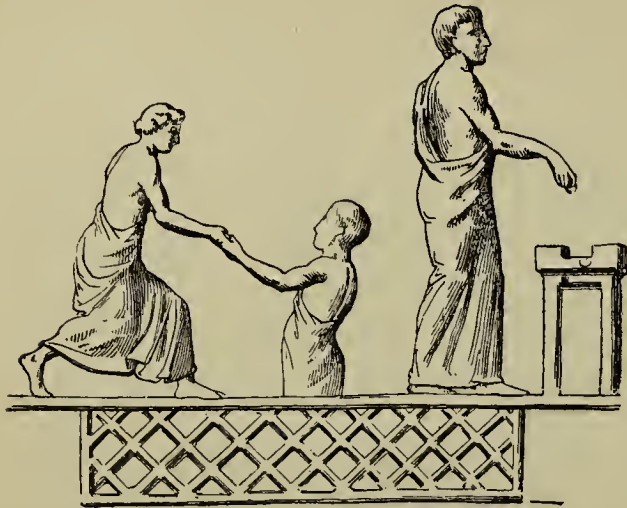
ASPECT OF THE ROMAN FORUM IN 1653.¹

toocracy not only of its wealth, but also of its power, and brought to ruin the old liberties of Rome.

The people were about to vote by their tribes; but the rich faction had secretly gained over the tribune Octavius, himself a large holder of public lands, and he interposed his veto. Tiberius, exasperated, withdrew the two clauses which alone rendered his proposed law tolerable to the other party,—the indemnity and the

¹ From the work of Du Pérac, who visited Rome at a time when many buildings existed which have since disappeared.

larger allowance to the present holders and their sons.¹ From this moment nothing but violence could be anticipated; for the reform was growing into a revolution, and threw into the opposition those moderate persons who would have been willing to buy peace and



VOTING UPON THE PONS SUFFRAGIORUM.²

security at the price of a part of their fortune, but whose patriotism did not go so far as to brave actual penury.

Octavius adhered to his veto. In vain Tiberius employed the most eloquent persuasions, and in vain offered to indemnify his colleague from his own purse for his possible losses.

The tribune could not be moved, and Tiberius was impelled to desperate measures. In virtue of the unlimited power given by the tribune's veto, he suspended the entire administration of government, prohibited the magistrates from exercising their authority, sealed the door of the treasury, and forbade any other affairs to be brought forward until the vote upon the law should have been taken.³

There ensued a curious scene; the rich assumed mourning, and went about the city soliciting the compassion of the people. In secret they posted assassins, to destroy Tiberius. The latter, warned of his danger, allowed the point of a poniard to be seen from under his toga. Upon the day of the assembly, when he called the people to vote, the opposition seized and carried away the urns. This act of violence would have been the signal for an appeal to arms; but two senators of consular rank threw themselves at the feet of Tiberius, and conjured him to renounce his endeavor, or at least to refer the matter to the Senate. The all-powerful tribune was so convinced of the justice of his cause that

¹ Plut., *Tiber. Gracch.* 10; Appian says nothing of this withdrawal.

² From a coin. To guard against fraud, the voters were obliged to pass one by one across an extremely narrow bridge to deposit their vote.

³ [This expedient of stopping a government's supplies is the ordinary weapon of a constitutional opposition nowadays. — *Ed.*]

he consented to go to the senate-house; but the faction of the rich were supreme there, and no conciliation was possible.

Tiberius then proposed to Octavius that as one or the other of them must be deposed, they should appeal on this point to a popular vote;¹ but Octavius refusing to agree to this, Tiberius proposed to the people the deposition of his colleague. Seventeen out of the thirty-five tribes had voted for it, when Tiberius made a last effort. He stopped the voting, and throwing his arms about Octavius, conjured him in the name of their old friendship not to expose himself to the affront of a public deposition, and to spare him the odium of so extreme a measure. Octavius for the moment was moved to tears; he stood silent. Then, turning towards the crowd of nobles gathered in the Forum, he seemed suddenly to fear their reproaches, and cried haughtily: "Let the people do what it desires!" Upon this the voting was resumed; and being deposed, he was dragged down from the rostra, and would have been murdered by the crowd, had not Tiberius interposed and rescued him. A slave preceding him through the crowd fell, pierced with many wounds. This was the first blood shed in the civil war; and the deposition of Octavius was the first attack upon the sacredness of the tribuneship.

Up to this time Tiberius had been in the right. Henceforward he was in the wrong; for he, who as tribune was especially bound to defend the constitution, had ignored its most essential principle. The great tribunes of the fourth century did not act thus. Licinius Stolo had conquered the patricians, not by passion, but by perseverance. That which Licinius had been ten years in obtaining Tiberius sought to obtain in a day; and he obtained it but for a day.

The law passed, indeed; but the difficulty was to execute it. Tiberius had proposed that triumvirs, elected by the people, should proceed at once to effect the distribution, and should remain in office until the work was accomplished.² The three individuals appointed were himself, his brother Caius (at the moment absent in Spain), and Appius, his father-in-law. But now began innumerable

¹ [This was no doubt a conscious imitation of the expedient of ostracism at Athens, which Tiberius had learned to understand from his Greek masters. — *Ed.*]

² At least we only find them replaced by others in the event of their death.

difficulties in the execution of the law. How was it possible to recognize public land which had been illegally occupied for centuries by private holders? how to make and distribute the lots? Withal, there was the impatience of the poor to be restrained, and the ill-will of the nobles to be baffled. The Senate refused Tiberius the tent usually allowed to all citizens occupied in public duty, and for his expenses had made allowance to him, upon the report of Scipio Nasica, only nine obols a day. All methods which had succeeded against Cassius, Manlius, and Spurius Maelius were now tried against him. A senator attested that Eudemus, who had brought to Rome the will of Attalus of Pergamus, had given Tiberius the purple robe and diadem of the king, which the tribune proposed some day to wear in Rome. Tiberius, by way of reply, obtained a decree that the treasures of Attalus should be distributed among the poor citizens who received the public lands, to enable them to buy cattle and agricultural implements.

Up to this time, in order to simplify his position, he had abstained from any attack upon the political rights of the nobles; but he now exasperated the whole Senate by declaring that he should personally make his report upon the kingdom of Pergamus to the assembly of the people. This was no less than a first attempt to transfer from the Senate to the popular assembly the administration of foreign affairs. Moreover, he sought to abridge the time of military service, to re-establish the appeal to the people from sentences of all kinds, and in the tribunals to add to the senators an equal number of knights. According to some authorities he also made promises to the Italians.¹ But already the people had ceased to follow him. To impress the crowd, simple ideas are needed. When it was a question of the agrarian law the thirty-five tribes had voted as one man. In the midst of the complications presented by new propositions, the poorer classes no longer recognized that positive and immediate profit which had rallied them around the tribune. Two centuries before, to obtain the opening of the consular office, Licinius had succeeded only by declaring his agrarian law inseparably connected with his political

¹ Vell. Paterc., ii. 2.

changes. Tiberius brought forward the latter subsequently, and was unsuccessful. Yet he was still popular. One of his friends having died, the crowd rushed to carry the body to the funeral; and as the first pile would not take fire, it was loudly asserted that the man had died by poison. Tiberius felt his own life in danger, staked, as it were, upon the formidable game he was playing. One day he appeared in the Forum clad in mourning, leading by the hand his two children, and implored the people's protection for them and for their mother. The crowd was moved by this appeal, and for some time a great number of citizens watched night and day over their tribune's safety. But they were already beginning to blame him for his conduct in the affair of Octavius. A certain Annius, whom he had accused, having said to him: "If I appeal to one of your colleagues, and if he oppose his veto to your act, will you have him also deposed?" Tiberius, much disconcerted, broke up the assembly; and on the morrow made reply by a long discourse on the inviolability of the tribune's



VESTAL OF THE FLORENTINE MUSEUM.¹

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¹ Vestal guarding the sacred fire. (Gore, *Mus. flor.*, pl. 92, and Clarac, *Musée de sculpt.*, pl. 772, No. 1,929.)

office. "Yes," he said, "the tribune is sacred and inviolable; but on one condition,—that he is faithful to his duty. Are we to permit a tribune to tear down the Capitol, to burn the military stores, to weaken or destroy the power of the Roman people? What! the people may dispose at will of the offerings in the temples, may use and transfer that which has been consecrated to the gods; and shall they not, in case of need, take away an office they have themselves bestowed? Our sacred virgins who guard the undying flame in the temple of Vesta are for a negligence in their duty buried alive; and shall not the man who, as tribune, instead of serving the people, uses against them the very authority they have given him, be at least deprived of his office as the penalty of his crime?"

All this was true; but the inviolability of the tribunes, oppressive as it sometimes was, had been till now respected.

Tiberius in disregarding it had betrayed the fatal secret, that the fickle crowd of the Forum could, in a moment of caprice or anger, overthrow the laws, the constitution, and the customs of their ancestors.



PATRICIAN SANDAL (CALCEUS PATRICIUS).¹

To be secure against all the enmities that he had excited, Tiberius needed a second term of office as tribune; and he sought it. But the larger number of his partisans were at that time of year occupied at a distance in gathering in their harvests, and most of his colleagues were unfriendly to him. Plutarch gravely relates that on the day of the assembly

Tiberius was for a moment shaken by presages of evil. Two serpents had hatched their young in a richly ornamented helmet which he had used in war. The sacred chickens which he had sent for refused to come and be fed, although their guardian shook the cage violently, to compel them to come out. He himself, on coming out of his house, struck his foot so violently

¹ *Museo Borbonico*, xi. 25; Tischbein, 14; and Rich, *Greek and Roman Antiquities*, under the word *Calceus*.

against the threshold that the nail of his great toe was split, and the blood flowed over the sandal. To end the list, scarcely was he in the street when he beheld two crows fighting upon a roof, and a fragment of a tile fell at his feet. So many superstitious terrors possessed the minds of this people, who had ceased to believe in their gods, but still had faith in Fate, as revealed by signs, that the boldest partisans of the tribune sought to turn him back. "What a disgrace for the grandson of Africanus," cried Blossius, however, "to allow himself to be stopped by a crow!" At the same moment came pressing messages to Tiberius from his friends gathered in the Capitol, where the election was to take place. All was going well, they said. He was received with the most cordial applause, and a guard was kept, to make sure that no unknown person should approach him. Two tribes had already voted for his re-election, when the opposition, who were present in great numbers, cried out that a tribune could not hold office for two terms consecutively. A collision was precipitated; the partisans of Tiberius fell upon their opponents, who fled with the tribunes of their party, and spread the news through the city that Tiberius had proclaimed the deposition of all his colleagues, and had seized upon the office for the following year.

Meantime he had about him not more than 3,000 men. "At this moment the senator Fulvius Flaccus, standing up in a position where he could be seen by all the assembly, made a gesture indicating that he wished to speak to Tiberius. The latter directed that room should



PATRICIAN SANDALS.

be made for him to approach, and Fulvius made known that the faction of the rich in the Senate not having been able to secure the consul on their side, had formed the design to kill Tiberius; and to this end had armed their clients and their slaves. Upon receiving this information the friends of Tiberius girt their robes about them, and seizing upon the lictors' rods,

broke them, and armed themselves with the fragments for purposes of defence. Those too distant to hear what had been said being eager to know the meaning of these preparations, Tiberius raised his hand to his head, to indicate the danger which threatened him. Upon this his enemies ran to tell the Senate, who had gathered in the temple of *Fides*, that he was asking for the crown. This news caused the Senate extreme anxiety. Scipio Nasica called upon the consul to go to the rescue of Rome, and strike down the usurper. Scaevola replied, mildly, that he would not set an example of violence, and would cause the death of no citizen without due forms of law. 'If,' he said, 'the people, either won over by Tiberius, or coerced by him, pass any ordinance contrary to the laws, I will not ratify it.' Then Nasica cried out: 'Since the chief magistrate is false to his country, let those who will rescue her follow me!' Saying these words, he threw a corner of his robe over his head and made his way to the Capitol, followed by certain of the Senate and of the faction of the rich, who were also accompanied by their slaves armed with clubs and sticks, and who seized as they went fragments of benches which the people had broken in their flight. Thus they came up to Tiberius, striking down all who sought to defend him with their bodies; many were killed, others pushed towards the Tarpeian rock and hurled over, while the rest fled away.¹ Tiberius himself ran round the temple of *Fides*, whose gates had been

FIDES.²

closed by the priests; but stumbling over a dead body, he fell near the door, at the foot of the royal statues. As he was endeavoring to rise, one of his colleagues, Publius Satureius, wounded him on the head with a fragment of a bench, and the second blow was given by Lucius Rufus, another tribune, who prided himself upon the act as of a deed well done. More than 300 of the partisans of Tiberius perished with him." After wreaking their vengeance upon the dead bodies, the victorious party flung them into the

¹ See (Vol. I. p. 260) the topographical map of Rome, and (p. 335) the Tarpeian rock.

² FIDES AVGVST. S.C. *Faith* standing, holding ears of wheat and a basket of fruit. Reverse of a great bronze of Plotinus.

Tiber; Caius Gracchus, just returned from Spain, vainly sought to recover the body of his brother.

The Senate and the city remained for some time under the terror of this blow. "After the death of Tiberius," says Sallust, "the whole people was accused and prosecuted."¹ All the friends of the late tribune who were not seized were banished, and the others were put to death. Among this number were Diophanes and a certain C. Villius, who was shut up in a barrel filled with serpents and vipers. When Blossius was brought before the consuls he averred that he had done nothing more than follow the orders of the tribune. "But," rejoined Nasica, "if he had ordered you to set on fire the Capitol?" — "Tiberius would never have given such an order." "But if he had?" — "I should have obeyed him; for if he had ordered it he would have done so for the good of the people." Blossius succeeded in making his escape, however, and fled to Aristonicus. After this prince was defeated, he killed himself, to avoid falling again into the power of the Romans.

Those who had supported the tribune, even among the most important personages in Rome, now made haste to disown their former conduct. It is sad to find among this number the consul Scaevola, declaring that Nasica, although a private individual, had done rightly in taking up arms, and issuing decrees honoring the latter for his courage. Perhaps the consul, alarmed by the tribune's tendency in his later acts, sought, by sanctioning an act of violence now irreparable, to disarm the nobles and to save at least that agrarian law which he had himself prepared.

Despite these bloody reprisals no one at the moment dared attack the law, so thoroughly was its necessity manifest to all moderate and sagacious men, both in the Senate and out of it. Licinius Crassus, father-in-law of Caius, was chosen to fill the place of Tiberius as triumvir; and upon his death in the war against Aristonicus, a popular senator, Fulvius Flaccus, received the appointment. When Appius died, his successor was also an eloquent defender of the law, Papirius Carbo; and an inscription exists

¹ *In plebem Romanam quæstiones habitæ sunt.* (Sall., *Jug.* 31.)

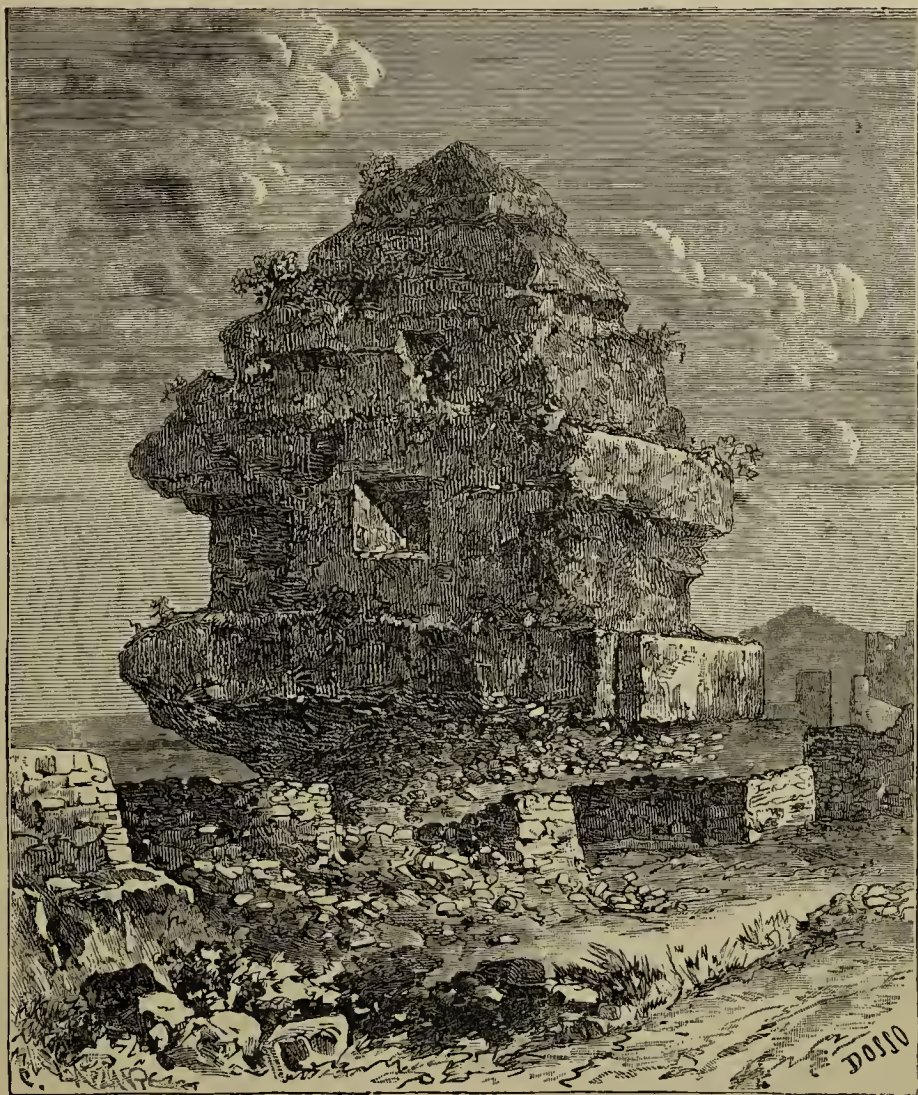
wherein Popillius, the consul of that year and a persecutor of the friends of Tiberius, boasts that he was the first to substitute upon the allotted domains the stationary laborer for the wandering shepherd.¹ The allotments continued to be made, and their effect was quickly visible. The census of 131 had given but 317,823 citizens competent for service in the legions; that of 125 gave 390,736. In six years the reserve of the army had increased by 72,000 men, and the proletariat had diminished by the same number. This is the justification of the Sempronian law. The tribune, though dead, once more became formidable. The people accused themselves of having allowed him to be destroyed; and Nasica could not show himself in public without being hooted. It was already proposed to cite him before the tribunal, when the Senate removed him under pretext of a mission into Asia. He wandered in foreign lands for a long time, consumed with chagrin, and at last ended his life in Pergamus.

III. DEATH OF SCIPIO AEMILIANUS.

WHEN, during a revolution, a great political body takes no decided position, it virtually abdicates. In the strife with Tiberius the Senate had suffered a private individual, Scipio Nasica, to play the leading part. The Senate lost the prestige of its power, and the satisfaction given to the people by the exile of Nasica only had the effect of encouraging new popular leaders. Carbo, the triumvir, being appointed tribune in 131, recommenced the struggle. He began by proposing ballot for the laws, to the end that the faction of the rich might not be able to exercise surveillance over the voting, and arrest it when it appeared to go against them. In the next place he demanded that an immediate second term of office should be allowed the tribunes, so that the law should no longer give room for the violence by which Tiberius had perished. Another tribune, Atinius, using the means already sanctioned by the nobles, dared to have the censor Metellus seized and beaten because the latter had expelled him from the Senate, and would

¹ *C. I. L.*, vol. i. no. 551, p. 154: . . . *eidemque primus feci ut de agro publico aratoribus cederent.*

have precipitated him from the Tarpeian rock if his colleagues had not interposed to save him.¹ Lastly, Caius Gracchus was already



TOMB, SAID TO BE OF THE METELLI, UPON THE APPIAN WAY (RUINS).²

beginning to emerge from the seclusion to which his brother's death had consigned him. In respect to the propositions of Carbo,

¹ Livy, *Epit.* lix. It has been maintained that this was the tribune Atinius who obtained the passage of the Atinian law, by which every tribune was declared a senator *ex officio*; before that time the tribunes being obliged to wait till the censors had inscribed their names upon the senatorial list. (Aulus Gellius, xiv. 8.) This law, which gave to the tribunes the *jus sententiæ dicendæ* in the Senate, — that is to say, the full enjoyment of senatorial powers, — appears to Willems (*Le sénat de la répub. rom.*, p. 230) to have been necessarily posterior to the *lex repet.* of 123. That assigns a very late date to it; but the problem is obscure. In 169 a tribune opposed his veto to a proposal of the censors because they had not inscribed his name upon the senatorial list. (Livy, xlv. 15.)

² Canina, *La prima parte della via Appia*, pl. xxx.

the first passed; the second, which tended to establish a popular royalty, failed for the time by reason of the opposition of Scipio Aemilianus.

Terrified, like Mucius Scaevola, by the revolutionary character the reform was taking, Scipio had condemned his brother-in-law: "So perish all that do the like again,"¹ he had said on hearing



ROMAN SOLDIER.²

the news of the death of Tiberius; and returning to Rome with his victorious army in 132, he had not hesitated to sacrifice his popularity by publicly opposing the laws of Tiberius and of Carbo. He thus went over to the party of the nobles, this man to whom the people had given, against the nobles' will, and contrary even to the laws, two consulships and the censorship, who knew so well the evils which were destroying the Republic; but he went over carrying with him vast designs. Tiberius had but partially succeeded; his law, advantageous to the poor of the rustic tribes, had not sent into the fields the city population; that starving crowd had not been willing to resign a life passed idly under

the porticos in the Forum, or at the doors of the great.³ They had refused the competency offered them at the price of labor, and had not dared to defend their own champion. This indolence and timidity inspired the conqueror of Numantia with inexpressible contempt for these men, — who, moreover, had never been soldiers. One day, when they interrupted him in the Forum: "Silence!" he cried, "you whom Italy will not acknowledge as her

¹ A verse of Homer, *Odys.* i. 47.

² From the arch of Septimius Severus.

³ Appian says expressly that the partisans of Tiberius belonged to the rustic tribes; and Tiberius was killed, as we have seen, without resistance when the harvesting had called away the country people from Rome.

children!"¹ And on their increased murmuring against him: "Those whom I brought hither in chains shall never terrify me because some one has stricken off their fetters!" And the freed-men held their peace.

This was the first time that the word Italy was put forward. At the sight of the rustic tribes depopulated, and the city encumbered with a strange crowd, Scipio understood that the days of Rome were ended, and that the days of Italy were about to begin. To remain a city, however great, was to exist subject to all the disorders of the little decayed republics. This city must become a nation. For the ancients, who concentrated sovereignty in a definite place, and desired to wield it directly, without the help of representation, this problem was difficult. It was not perhaps above the grasp of the man whom Cicero took for his hero.

In this new plan the agrarian law was no longer necessary. It would have diminished somewhat the sufferings of the poor, and reduced some fortunes which had been unjustly acquired; but no one desired it except the citizens of the rustic tribes. The Roman populace and the nobles alike opposed it, and the people of Italy regarded it with ill-will. To force the holders of public lands themselves to report their estates, the triumvirs had called upon all citizens to denounce them and bring them to justice. From this arose a multitude of embarrassing lawsuits. "Most of the proprietors had no documentary evidence of sale or of grant, and when these papers did exist they were mutually contradictory. When the measurement had been verified it appeared that in some cases estates had passed from cultivated land, built over with dwellings, to mere pasture, and others from fertile ground to marshes. Originally the conquered territory had been very carelessly divided; and, further, the decree which ordered the waste lands to be cultivated had furnished occasion for many individuals to reclaim the ground adjacent to their estates, thus confusing the boundaries of both. The lapse of time had, moreover, changed everything; and the extent of the illegal occupation, though undoubtedly considerable, was now difficult to determine.

¹ Later, on his return from exile, Cicero used the same words: "No! this populace whom Clodius gathers in a mob and suborns to his purposes, is not the Roman people; the citizens of the *municipia* are the true people, sovereign over kings and nations."

"Irritated at the haste with which all this was being carried out by the triumvirs, the Italians determined to take for their defender against so much injustice the destroyer of Carthage, Cornelius Scipio. Their zeal in his wars would not permit him to refuse this duty; he presented himself in the Senate, and without openly blaming the law of Gracchus, through regard for the plebeians, he set forth at length the difficulties in the way of its execution, ending by the proposal that the right of deciding in these disputes should be taken from the triumvirs, as being persons not having the confidence of those concerned. This proposition appeared reasonable; the Senate adopted it, and the consul Tuditanus was appointed to make the decisions. But the latter had no sooner begun the work than he became alarmed at the complications it involved, and set off for Illyria. All the business was subsequently adjourned. This result naturally set the populace against Scipio. Twice they had made him consul, and he now was disposed to act against them in the interests of the Italians. The enemies of Scipio said openly that he had decided to abrogate the agrarian law by force of arms and with great shedding of blood."¹ The word "dictator" was mentioned. "We have a tyrant," said Caius Gracchus; and Fulvius threatened Scipio. "The enemies of the state do well," said the latter, "to wish my death, for they know that Rome cannot perish while Scipio lives."

"One night he had withdrawn with his tablets to meditate upon the address he was to make to the people on the morrow; in the morning he was found dead, but with no trace of violence. According to some the blow was dealt by Cornelia, the mother of the Gracchi, who feared the abolition of the agrarian law, and by her daughter Sempronia, the unattractive and barren wife of Scipio, unloving and unloved of her husband. According to others he had committed suicide in his despair at not being able to fulfil his promise. A report was current that certain of his slaves, being put to the torture, confessed that unknown persons, introduced by a back door, had strangled their master, and that they had feared to declare the fact, knowing the people would rejoice at it." It

¹ Appian, *Bell. civ.* i. 18, 19, 20.

cannot be doubted that this murder was a reprisal for the murder of Tiberius; both sides began to taste blood.

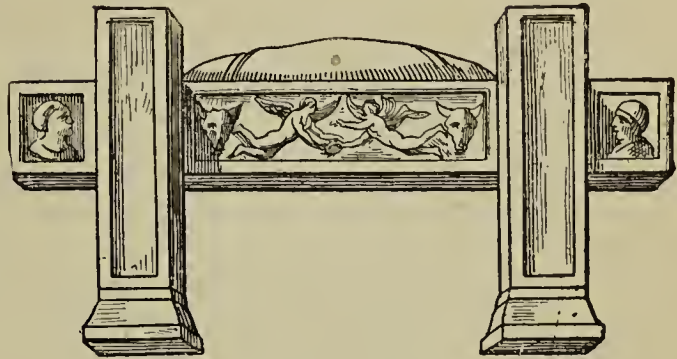
The nobles, who perhaps dreaded Aemilianus as much as did the people, made no attempt to avenge his death; no inquiry was made as to its cause,

and he who had destroyed

"the two terrors of Rome" had not even a public funeral. One of

his political opponents, however, paid him a noble testimony; Metellus Macedonicus desired that his sons should carry

the bier. "Never," he said to them, "will it be in your power to render this duty to a greater man."



FUNERAL COUCH.¹

The Italians, long so eager for the right of citizenship, had for a moment believed that their efforts would at last be rewarded. Every day some of them slipped into Rome; one of their number, Perperna, had just been made consul, and Scipio had undertaken their cause. His death leaving them defenceless, the nobles made haste to shake off the new enemy who sought to mix in their domestic quarrels; and the Senate caused all the Italians at that time in the city to be banished from Rome; so that the aged father of the conqueror of Aristonicus was compelled to snatch from his dwelling the consular emblems, and return to his village of Samnium, ignominiously expelled from a city which had once witnessed the triumph of his son (126).

The leaders of the popular party quickly perceived, however, that the Senate by their severity were putting the opposition in possession of a powerful weapon; and they seized it with an able hand. Caius Gracchus, at this time quaestor, opposed the expulsion of the Italians; and one of the triumvirs, Fulvius, a friend of the elder Gracchus, being elected consul, gave them permission to appeal to the people against the decree of banishment. Then, in order to unite in a common cause two interests hitherto conflicting,

¹ From a funereal bas-relief. (Rich, *Greek and Roman Antiquities*.)

the people and the Italians, he proposed to give the right of citizenship to all those who had received no portion of public lands (125). Fortunately for the Senate, whom the consul refused to convoke, the Massiliots at this time implored the assistance of Rome against their neighbors. Fulvius set out with an army. Caius had also been removed by being exiled as pro-quaestor to Sardinia, where an insurrection had just broken out;¹ and the inhabitants of Fregellae, making the attempt to grasp by force that which had been denied to their entreaties, had an army sent against them under the praetor Opimius. The city, betrayed by one of its inhabitants, Numitorius Pullus, was taken and destroyed, and to this day has never been rebuilt.² This sanguinary vengeance delayed for thirty-five years the insurrection of Italy (125).

IV. CAIUS GRACCHUS.

CAIUS was twenty-one years of age at the time of his brother's death. More impetuous, more eloquent, perhaps less pure in his ambition, he gave grander proportions to the struggle commenced by Tiberius. The latter had sought only to relieve the condition of the poor; Caius assumed to change the constitution itself. At first he had appeared to turn away from the legacy of blood which his brother had left him; but one night, says Cicero, he heard Tiberius saying to him: "Why hesitate, Caius? Thy destiny shall be the same as mine,—to fight for the people, and to die for them."³ Meanwhile he found the number of his partisans increasing as the assignments of land went on, and prosperity was conferred upon many by the Sempronian law. The first time he spoke in public, loud applause welcomed him and inspired him with confidence. He supported the laws of Carbo;³ and in 127 he offered himself as a candidate for the quaestorship. He was designated by lot to accompany the consul into Sardinia (126). Such was the ascendancy of his name among the allies that, the province having

¹ Val. Max., IV. i. 12; Aulus Gellius, *Noct. Att.*, x. 3. See later the Social War; Val. Max., III. iv. 5; Cic., *Phil.*, iii. 6; Livy, *Epit.* lx.

² It is not certain where this city stood, probably opposite Ceprano, but upon the left bank of the Liris.

³ Plut., *Caius*, 28 seq; Cic., *de Divin.* i. 26. Cf. Val. Max., I. vi. 7.

on account of a bad season been remitted the requisition of clothes for the soldiers, the quaestor went from town to town and obtained everywhere more than he asked for. Out of regard for him, Micipsa, the Numidian king, sent into Sardinia a great supply of corn. The Senate were alarmed at the popularity of a young man who could feed and clothe an army; and to hinder the return of Caius to Rome, the consul was ordered to remain in his province even after the disbanding of the troops, which were replaced by new levies. But Caius did not accept his exile. He hastened to Rome to canvass for the tribunate; and being accused before the censors of having violated the law which required the quaestor to remain with his general, he defended himself by scattering from the rostra, as he himself said, swords and daggers:¹ "I have made twelve campaigns, and the law requires but ten; I have remained three years quaestor, and I could have retired after one year's service. In the province, not my ambition, but the public good has directed my conduct. I had no banquets in my abode, nor handsome young slaves; and at my table your children's modesty has been respected more than in the tents of your chiefs. No man can say that he has given me a bribe, or spent money for me. The purse that I took full from Rome has come back empty.

YOUNG SLAVE.²

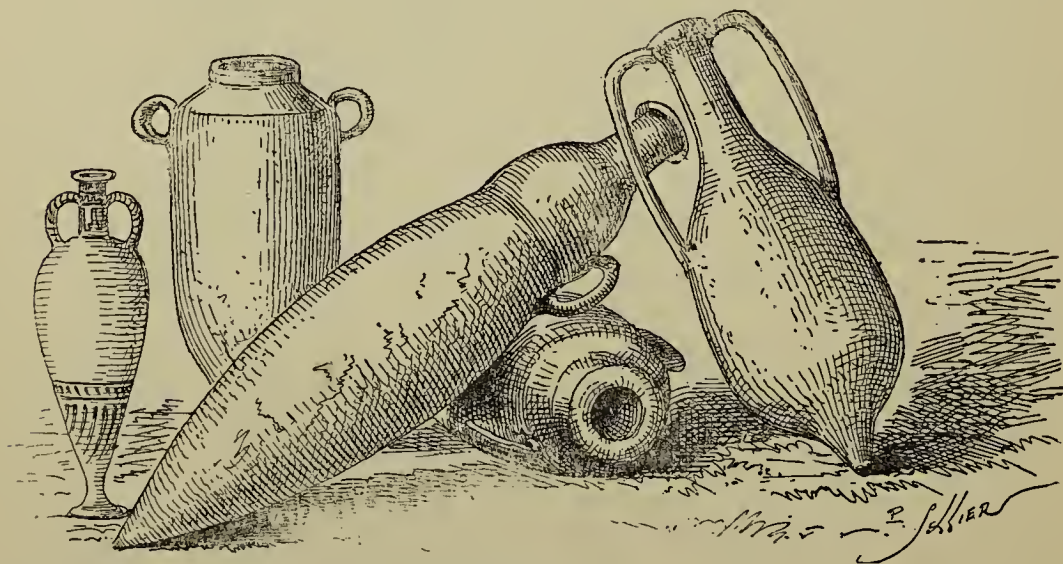
¹ Cic., *de Leg.* iii. 9.

² Bronze bust. (Roux, *Herculanum et Pompéi*, vol. vii. pl. 22.) The beauty of the hair added value to the possession of slaves of this kind. Thus the epithet *comatus*, the long-haired, became a synonyme of profligate. (Mart., xii. 99.)

Others have brought back full of gold the amphorae that they carried out full of wine.”¹ Other pretexts were alleged against him, such as complicity in the revolt of the Fregellians; but this merely secured for him the favor of the Italians.

Meanwhile the brave Cornelia’s courage began, it is said, to fail. It filled her with terror to see her younger son following in his brother’s footsteps; and she strove to dissuade him.²

But Caius could not draw back. The day of the election to the tribunate all the clients of the nobles, all the citizens scattered



AMPHORAE.³

throughout Italy came in. The struggle was severe: the nobles could not prevent his election; but he was fourth on the list.

He was eager to inaugurate his office by offering to the manes of his brother an expiatory sacrifice of his enemies and murderers. “Whither shall I go?” he cried, with a powerful voice that thrilled all hearts to the remotest ranks of the crowd, “where shall I find an asylum? In the Capitol? But the temple of the gods is stained with my brother’s blood. In my father’s house? But I find there an inconsolable mother. Romans, your fathers

¹ Aulus Gellius, *Noct. Att.* xv. 12.

² The authenticity of her letters, some fragments of which have been preserved by Cornelius Nepos, has been called in question. It is certain, however, that she wrote letters, and eloquent ones, admired by Cicero (*Brut.* 58); but the eloquent apostrophe to Caius given by Nepos is not genuine.

³ Campana Museum.

declared war upon the Faliscans because they insulted the tribune Genucius. They condemned to death C. Veturius because he did not make way for a tribune who was crossing the Forum. It is a custom derived from our fathers that when a citizen accused of a capital crime does not appear, the herald shall go to his door in the morning, shall sound a trumpet, and call him by name; only after this may the judges pronounce sentence. But under your eyes these men have slain Tiberius, and dragged his corpse ignominiously through the streets of the city!"

When he saw the people stirred by these words he proposed two laws: the first, directed against Octavius, was to the effect that no citizen once degraded from office by the popular vote could ever again be elected to any public position; the second, that a magistrate who should have put to death or exiled a citizen without due form of law should be summoned before the people. At the entreaty of Cornelia he withdrew the first of these propositions; but the former consul, Popillius Laenas, the persecutor of the partisans of Tiberius, fled the city as soon as the second became law. Tiberius had set the fatal example of impairing the inviolability of the tribuneship; Caius, in making his two laws retrospective, established the precedent of employing the law in the service of private vengeance. The day came when Clodius remembered this.

Having thus offered satisfaction to his brother's manes, Caius took up the projects of Tiberius and developed them further. They were as follows,—a new confirmation of the agrarian law; regular distributions of corn at half price ($6\frac{1}{3}$ *ases* the bushel);¹ gratuitous supply of military clothing to soldiers serving, and prohibition of enrolment of young men before the completion of their seventeenth year;² the establishment of new taxes upon

¹ In Livy (*Ep. lx.*) it is said $\frac{5}{8}$ of an *as*: *semisses et trientes*; but the manuscripts authorize us to read: *senos [aeris] et trientes*, as has been written by the Schol. Bob., *ad Cic. Sext.* 25. Cf. Mommsen, *Die röm. Tribus*, p. 179. (The *modius* is a little more than a peck of our measure.) In commerce the *modius* was worth three or four *sesterces*, that is, twelve to sixteen *ases*. (Boeckh, *Metr. Unters.* p. 420.) If the price of the *modius* had been only $\frac{5}{8}$ of an *as*, Cicero would not have been able to say in his oration *pro Sestio* (25) that Clodius in suppressing all taxes had caused the state to lose $\frac{1}{3}$ of its revenues. The quantity allowed to each citizen was five *modii* a month.

² And perhaps also a reduction in the duration of military service required; from ten, namely, to six campaigns.

articles of luxury imported from foreign countries;¹ the establishment of colonies for the benefit of the poor; and lastly, for those who needed employment while waiting for the agrarian law to take effect, the construction of public granaries, of bridges, and



ROMAN HORSEMAN.³

highways, laid out by himself, and designed to increase the value of lands by opening thoroughfares. Caius also established mile-posts, indicating distances, and blocks to accommodate riders.² At the same time he flattered the pride of the multitude. The rostra had been placed before the comitium, under the eye of the Senate, and public speakers had been wont to turn towards the Senate in their addresses; Caius, however, always pointedly addressed the crowd as the true masters, the sovereign people of Rome.

The laws proposed by the new tribune were all excellent; one of them, however, has given rise to many declamations,—the selling of corn to the people under the market price. But this measure, to which the Senate had often recourse, was a strictly logical consequence of the rights involved in victory, as understood by the Romans, and with them by all ancient nations. In accordance with these ideas, the conquered owed, as the price of his life, a portion of his income, which he paid in the form of a tax, and a portion of his land, which he gave up for the public domain of the victor. These lands and this money were then divided into two parts,—one, reserved for the needs of the state; the other, claimed in the name of those who, being, in spite of

¹ *Nova portoria*. (Vell. Paterc., ii. 6.) The *portorium*, or port-dues, was an *ad valorem* tax of $2\frac{1}{2}$ per cent for ordinary objects (Quintil., *Declam.*), and for objects of luxury of 12 per cent.

² [The ancients used no stirrups; hence mounting on horseback was always difficult for ordinary riders. — *Ed.*]

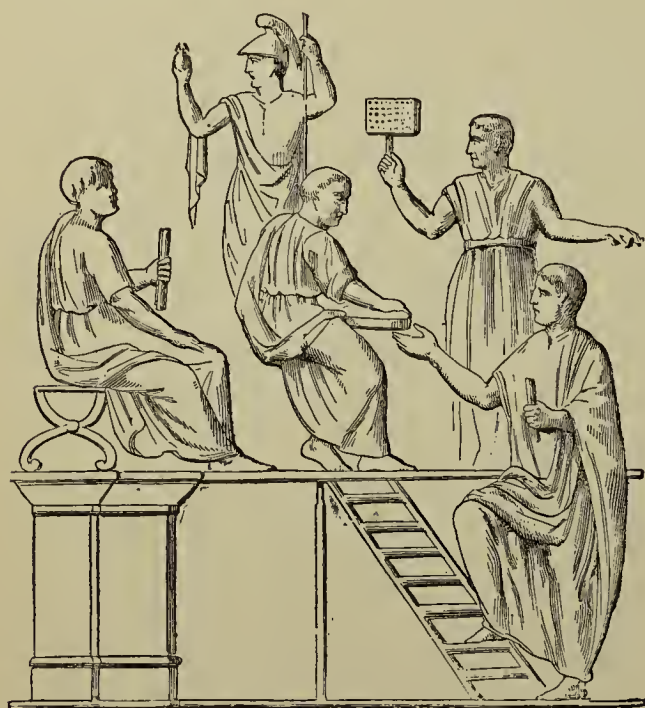
³ From the column of Marcus Aurelius.

their destitution, the sovereign people, had a right to apply by vote to the relief of their own suffering what was gained in common upon the field of battle, but of which the rich had hitherto assumed the sole disposal. Now the *ager publicus* was at this time sufficiently extensive, and the revenues drawn from the provinces abundant enough, to justify the state in dividing both lands and corn among its poorer citizens. To those who were willing to go away from Rome as colonists Caius gave land; to those who preferred to remain in the city he distributed corn. His law was, therefore, no more than a special form of those agrarian laws which we must consider as legitimate then, though they would be unjust at the present day. That this law had not been proposed sooner was simply due to the fact that it had not been needed so long as the class of petty landowners preserved Rome from pauperism. But institutions change with manners; by the growth of a starving populace the rendering of state assistance became a social necessity, which the second Cato, — one of the chiefs of the aristocracy himself, — recognized when he took up the law which Caius had introduced, and even made it more liberal. The assistance which we give to our poor through charity the Roman society gave from a sense of justice, — at least as justice was at that time understood.¹

After having by these popular innovations gained the army, the rustic tribes, and the poor of Rome, Caius began to attack the privileged classes. Since the year 179 the nobles and the richer citizens had again possessed themselves of the preponderance in the centuriate assembly; to deprive them of it without again throwing this assembly into disorder, the tribune obtained the passage of a decree that in future the order in which the centuries

¹ By the extinction, after the conquest of Macedon, of the only tax which the citizens paid, *tributum ex censu*, Rome had announced her intention of living at the expense of her conquests, which should henceforth pay for the army and the expenses of government. The *frumentationes* were a consequence of this principle: the subjects, by their contributions in kind, furnished a part of their masters' subsistence. Observe that any citizen living in Rome, whether he were rich or poor, *ἐκάστῳ τῶν δημοτῶν* (App., *Bell. civ.* i. 21), *viritim* (Cic., *Tuscul.* iii. 20), had a right to share in these distributions; but it was necessary to be present in person, as was one day the consul Piso. (Cic., *ibid.*) This necessity had the effect of hindering the rich from taking their share as mendicants; but it confirms what we have said of the character of these laws. The corn paid in tribute was as much the property of the citizens as the money so paid; the former helped them to live, the latter defrayed the expenses of government.

voted should be determined by lot. The last might thus be called on first, and the majority would no longer depend on the vote of the rich. The vote of the century which went first to the polls, the *centuria praerogativa*, had in the eyes of the Romans a special importance, being, as they conceived, in some way the result of divine inspiration;¹ and the determining this by lot gave a demo-



GRATUITOUS DISTRIBUTION TO THE PEOPLE.²

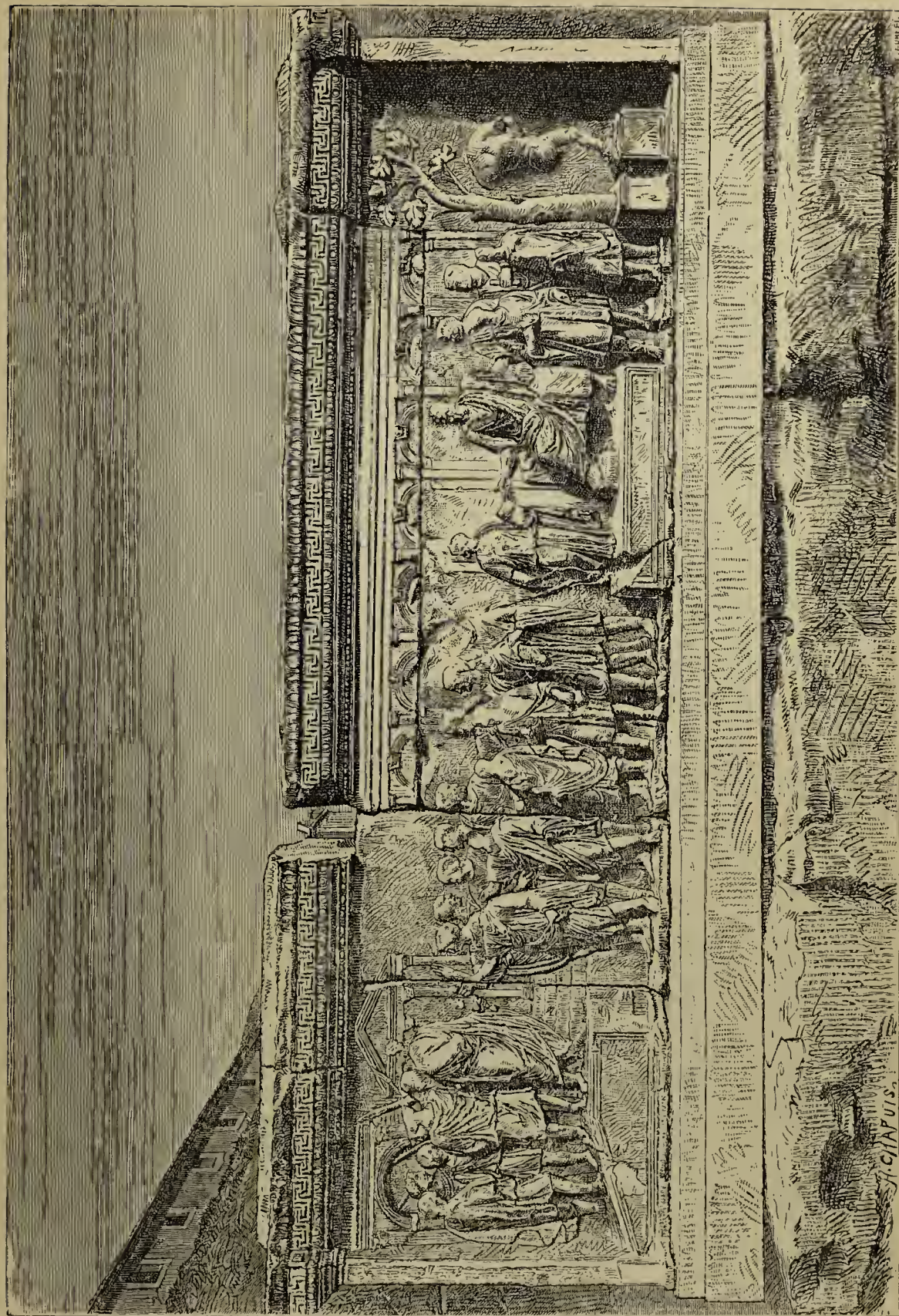
cratic air to the whole transaction. New clauses added to the *Porcian law* forbade all magistrates to proceed against any citizen without the order of the people. This was, in effect, to deprive the Senate of its right to have recourse to a dictatorship or to extraordinary commissions, like the one which had been so severe towards the partisans of Tiberius.

A much more important change gave to the equestrian order all the judicial authority in criminal cases brought before the tribunal of the *quaestiones perpetuae*.³

¹ . . . *Praerogativam omen comitiorum*. (Cic. *de Divin.* i. 45, ii. 40.) It has been maintained that by the new order only the first to vote out of the seventy centuries should be selected by lot. (See Vol. I. p. 642, n. 1.) So small a reform as this would not have been worthy the attention of Caius, for it would have changed hardly anything. (Cf. Cic., *pro Mur.* 23, and Sallust, *Ep.* to Caesar, 7.)

² From a coin of Nerva (enlarged). The Emperor in person is seated at the left on a kind of stage (*suggestum*); before him is an officer employed in the distribution of assistance in giving bread to a citizen who is coming up the steps, while another officer or magistrate presents to the inspection of the Emperor the ticket (*tessera*) which the citizen has given him. A statue of Mars presides over the scene.

³ See in Cicero's orations against Verres the political importance which he attaches to the tribunals: *ejusmodi respublica debet esse et erit, veritate judiciorum constituta ut . . .* (*In Verr.* II. iii. 69.) In the last century of the Republic, and perhaps as far back as the year 129 (?), the knights had been obliged to relinquish the horse at public expense, that is to say, withdraw from the equestrian order when they entered the Senate. For the equestrian rank, property of at least the value of 400,000 sesterces was requisite.



BAS-RELIEF FROM THE FORUM, REPRESENTING (1) AN ORATOR ON THE BOSTRA, (2) A JUDGE SITTING IN COURT.

In a republic the judicial power is perhaps the most important. If it fall into the hands of a party, it becomes an instrument of persecution and injustice. Hence in the Italian cities of the mediæval period the *podestat* was never a citizen, but a foreigner. At Rome, when the Senate gave decisions, *judicia publica*, that is to say, when it united the executive and judicial powers, besides a considerable share of legislative authority, the ruling class were almost sure of impunity. At this very time envoys from several provinces were vainly asking for justice upon Aurelius Cotta, Salinator, and Manius Aquillius. Moreover, these senatorial judges were not all men of character. An orator depicts them on their way to their session after revels with courtesans. "When the tenth hour¹ approaches, they send a slave to the Forum to know what has been done, who has spoken on both sides, and how the tribunes have voted. The moment having arrived, they present themselves in the comitium just in time to escape their fine, and come into the tribunal in very ill-humor.² 'Begin,' they cry; 'let us hear the arguments.' They have witnesses summoned, meanwhile making various interruptions;³ then call for the documents in the case, and heavy with wine, can scarcely raise an eyelid. Finally they vote, exclaiming: 'What nonsense all this is! Let us have some good Greek wine mixed with honey, and a fat thrush, with a pike caught between the bridges.'"⁴

Caius profited by this kind of scandal to propose his law, which was designed to separate from the Senate a certain number of wealthy citizens, and place the governors of provinces at the mercy of the bankers (*argentarii*). If the knights, in fact, filled all the tribunals, the publicans had no reason to fear that any

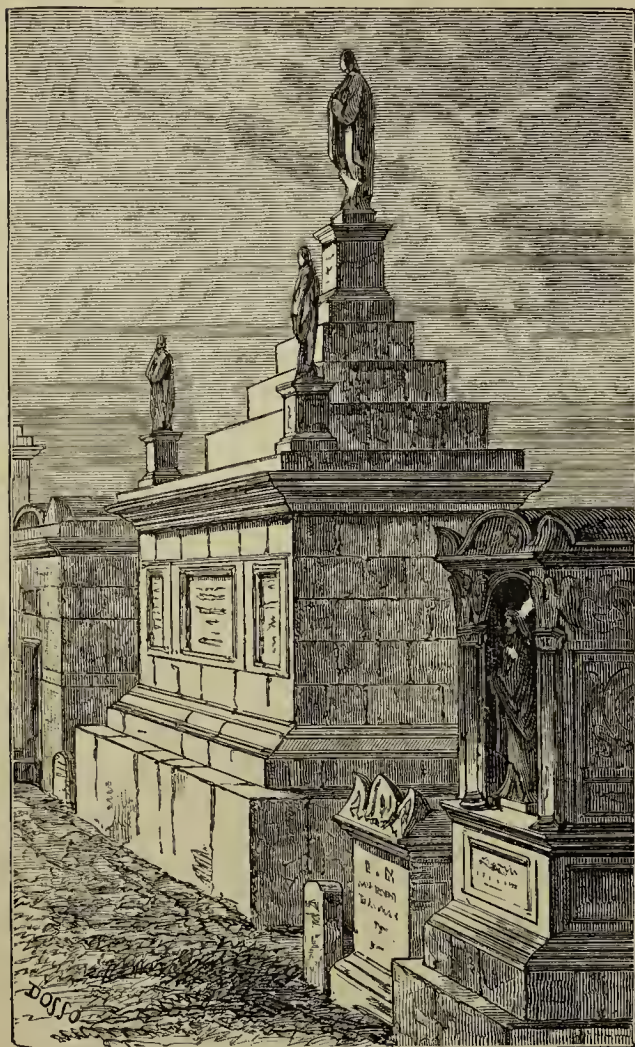
¹ The Roman day was divided, for summer as well as winter, into twelve parts; the hours differing in length according to the time of year. Thus at the summer solstice the first hour began at 4.27, and ended at 5.42½; the twelfth at 6.17½, and ended at 7.33. At the winter solstice the first hour began at 7.33, and ended at 8.17½; the twelfth at 3.42½, and ended at 4.27. The tenth, therefore, corresponded to 3.46½ in summer, and 2.13½ winter. (Ideler, *Handbuch der Chronologie*.)

² Martial, xii. 48; cf. also Pliny, *Hist. Nat.* xxxv. 17.

³ *Quippe qui vesicam plenam vini habent.* (Discourse of the Roman knight Titius in 161 in support of the Fannian law, in Macrobius, *Sat.* II. ix. 12.)

⁴ The pike, fattened upon all the filth of the Tiber, had a great reputation.

one would dare to appeal from their exactions, and upright governors were in danger of a capital sentence.



TOMB OF AN ARGENTARIUS.³

In bringing about a revolution like this in the judicature Caius gave a rude blow to public morals. If the senators did not administer justice in all cases faithfully, the men of money sold it:¹ an infamy to which the nobles rarely stooped. Doubtless he had foreseen this danger, and had anticipated the reproaches of the old Romans who cried out to him: "The Republic has now two heads; shall this civil war be eternal?"² But his brother having failed in creating from the people, by the re-establishment of small farmers, a middle class between the Senate and the populace, Caius resigned himself to the forming of

this intermediate order from men who should belong to the people

¹ However, the praetor Hostilius Tubulus, whom Cicero calls the vilest of men, did, in fact, sell his vote in a criminal case in the year 142; for this crime he was prosecuted and sentenced to death, and took poison in prison. (Cic., *ad Att.* xii. 5; *de Fin.* ii. 16; and Asconius in *Cicer. Scauro*, p. 25, Orelli's edition.)

² *Bicipitem ex una fecerat civitatem.* (Flor., iii. 17; cf. Vell. Patere., ii. 6.) This change was so important that Tacitus reduces nearly to this one question the rivalry between Marius and Sylla: . . . *de eo vel praecipue bellarent.* (Ann. xii. 60.) Cicero says also in the *pro Font.* 3: *Quum . . . maximi exercitus civium dissiderent de judiciis ac legibus.* Plutarch (*Caius*, 3) says that the list of the judges comprised 300 senators and 300 knights. It is possible that in a former scheme of a law Caius made this concession to the Senate; but he must have suppressed it later, for otherwise it is impossible to understand the importance of this reform. Appian (*Bell. civ.* i. 22) affirms, moreover, that Caius transferred the judicial powers from the senators to the knights. It was doubtless he who fixed their property qualification at 400,000 sesterces.

³ Canina, *La prima parte della via Appia*, vol. ii. pl. xxii. fig. 6.

by their origin, and to the nobles by their wealth. Unfortunately this was not creating a new class, but merely a new party.¹ The great capitalists, the men of equestrian rank, and the *publicani* (these latter terms having come to be nearly synonymous)² by this time formed a powerful body, to whom the judicial decisions should by no means have been intrusted if justice was to keep clear from party quarrels. But Caius could not bring down to any lower class the functions which had always heretofore been reserved for the chiefs of the state.³ Half a century must pass before it will at last be understood that, to secure impartiality, the administration of justice must be intrusted not to any one class of citizens, but to the most upright citizens of all classes. And for Caius, moreover, in this reform the political question obscured the question of equity; any weapon seemed to him good against his opponents. He believed that what he took away from the Senate would be of service to the people and to liberty, and that the equestrian order would through gratitude aid him in his other designs. "With one blow I have broken," he said, "the pride and the power of the nobles." They knew it, and threatened him with their vengeance. "But," he said, "though you should kill me, can you pluck out the sword I have buried in your side?"⁴ And in spite of Montesquieu's severe judgment, who wrote in that parliamentary spirit so hostile to revenue-farmers, in spite of the well-established fact that unjust sentences were often given by the new judges, we must applaud this attempt of Caius to create what Napoleon used to call a great intermediate body. Without it perhaps the Republic would have perished earlier than it did; for it was with the equestrian order that Cicero opposed Catiline. But still the world would have been the gainer, had this death-struggle of liberty been of briefer duration.⁵

¹ Judicial decisions became so ready a weapon in the hands of parties, that *seven times* in the space of fifty-three years the organization of the tribunals was changed; and every change corresponds to a revolution in the state.

² Cicero himself says: *Publicani, hoc est, equites Romani.* (*In Verr.* II. iii. 72.)

³ A *lex Servilia repetundarum* (*C. I. L.* vol. i. No. 198), and another *lex Acilia*, both of uncertain date, but posterior to Caius, determine various details of the new judicial organization.

⁴ *Exc. Vat.* ii. 10, 115; *ad Diod.* xxxviii. 9. See in Aulus Gellius, *Noct. Att.* xi. 10, other very bitter words against the Senate.

⁵ There is no inconsistency between this and what has been said earlier, that the publicans

Caius believed that he had restored strength to the constitution ; to make the empire firmer, by interesting a numerous population in its defence, he now proposed to give to the Latin allies the right to aspire to Roman magistracies, *jus honorum*, and to the Italians the right of suffrage. The strength of the democratic party was to be greatly increased ; but the aristocratic element was also to strengthen itself by the allied nobles whom their fortune classed with the equestrian order. The Senate with its dignity, the knights with their judicial power, would be strong enough to repress the crowd and maintain the balance of power.



WARRIOR FOUND
NEAR TARENTUM.¹

Thus the soldiers received gratuitous clothing, the poor of the city corn, the Latins a share in the magistracies, the Italians the prospect of citizenship, the equestrian order judicial functions ; that is to say, the poor were succored, the oppressed defended, and an attempt was made to establish an equilibrium in the state. Such were the acts of that memorable tribuneship. Caius had put in practice what his brother and his brother-in-law, Tiberius and Scipio Aemilianus, had desired. He seemed greater than either of them ; and to see him constantly surrounded by magistrates, soldiers, men of letters, artists, ambassadors, one would have thought him a king in Rome. He was so, in truth, by the popular favor, by the terror of the nobles, by the gratitude of the equestrian order² and of the Italians ; and to this he sought to add the affection of the people of the provinces. The *pro-praetor*

supported Caesar against the republican oligarchy. They served different men ; always, however, remaining faithful to the same conservative principles, — allies of Cicero against the accomplices of Catiline, who wished for nothing but pillage ; allies of Caesar against a feeble government, which was ruining them by allowing the empire to be disorganized.

¹ A pretty statuette in bronze, belonging to the collection of M. Gréan, exhibited in the Trocadéro (Paris) in 1878.

² To him had been conceded by the people the right to name the 300 knights who were to be judges. (Plut., *Caius*, 3-7.)

had sent from Spain corn wrung from the inhabitants by extortion; and Caius caused its price to be remitted to them. The consuls had been accustomed to obtain from the Senate such provinces as they individually selected for the prospect of military glory or for the opportunity of pillage; he obtained a decree that the provinces should be named before the election of the consuls, and lots drawn for them, so that the interests of the state, and no longer those of the individual, should be consulted.¹ He also proposed to rebuild Capua and Tarentum, and notwithstanding the imprecations which had been pronounced against the re-building of Carthage, to send thither a colony,² for the purpose of showing to the world the new spirit of free thought and grandeur which henceforth should reign in the councils of Rome.³

Tiberius had formed the design of regulating the financial organization of Pergamean Asia, recently acquired by Rome; but his life had been cut short. Caius now took up his brother's plan, and obtained a decree from the popular assembly that the tithe of Asia should be farmed out at Rome by the censors, — a regulation which has been generally regarded as merely a favor to the publicans, but which, to judge from the general spirit of the tribune's reforms, must have been, at least in the beginning, a measure intended to benefit the new province.

To consolidate his power and render his work lasting, Caius asked the people to appoint as consul his friend Fannius Strabo. As for himself, he had no need to solicit a second term of office, for he was unanimously re-elected. The nobles were completely overthrown. Knowing, however, the fickle character of the populace, they prepared a scheme against Caius, by means of which they ere long succeeded in destroying his popularity; and this was to show themselves more on the popular side than himself. They suborned one of the newly-elected tribunes, Livius Drusus, who outbid in the Senate each proposition of his colleague. Caius had asked for the establishment of two

¹ Sall., *Jug.* 27; Cic., *de Prov. cons.* 2, 15. [This was one of his best laws, provided no great crisis required a special general; but this difficulty was easily met. — *Ed.*]

² This was the first attempt to apply to the provinces the system that had so well succeeded in Italy, by which the Latin race was to be propagated throughout the empire.

³ It should here be said that we are not able to distinguish between the laws of the first and second tribuneship of Caius, nor is the question important.

colonies; Livius proposed to found twelve, of 3,000 citizens each. He had subjected the lands distributed to the poor to an annual tax; Livius suppressed the tax. It was his design to give full citizenship to the Latins. This Livius vetoed; but asked and obtained a decree that henceforward no Latin soldier should be beaten with rods. In his eagerness, Caius put himself upon all commissions, drew money from the treasury for the public works that he had caused to be voted, and took charge of them himself;

JUNO.¹

was seen everywhere, and busy about everything. Drusus, on the other hand, affected to limit himself strictly to the duties of his office; and this reserve, this probity careful to avoid even the slightest suspicion of ambition or avidity, charmed the crowd, which is delighted with contrasts, and eager for any novelty.

Fannius also had gone over to the faction of the nobles, and opposed the man to whom he owed his consulship. In opposition to the proposal to accord the full franchise to the Latins, he pronounced a discourse much admired even in the time of Cicero; a remaining fragment of which, however, shows us that exciting the appetites of the rabble was sufficient to hinder a new step in the traditional practice of Rome, namely, the progressive enlargement of the city.

“You believe, then, that after you

have given the city to the Latins you will remain what you are to-day; you will have the same place in the comitia, in the games, in the amusements [and we cannot doubt that he added “in the distributions”]? Do you not see that these men will fill all² and

¹ Bronze statuette from the *Cabinet de France*, No. 3,199 of the catalogue. The right hand is damaged.

² Meyer, *Orat. Rom. frag.* p. 191.

will take all?" No higher arguments were needed with men who, having, as Cato said, a belly, but no ears, sold themselves to the highest bidder.

Weary of this strange strife, Caius set off to conduct 6,000 Roman colonists to Carthage, which he named Junonia, the city of Juno.¹ This absence, imprudently prolonged for three months, left the field open to Drusus; and he was able to make it plain to the equestrian order that they could henceforth only lose by an alliance with this tribune, the executor of the agrarian law, and to the people that the Senate, while even more liberal than Caius towards them, would not degrade them by raising the Italians to equal privileges. When Caius reappeared, his popularity was gone, his friends were in danger, the equestrian order was detached from him, and one of his most violent enemies, Opimius, the destroyer of Fregellae, was proposed for the consulate. From this time it was evident that a repetition of the tragedy of Tiberius was at hand. Caius quitted his home on the Palatine, and took lodgings near the Forum, to be in the midst of the people, and called around him the Latins. But a consular edict banished all Italians from Rome, the tribune vainly protesting against this decree, but not daring to hinder its execution. Under his eyes one of his friends and guests was dragged to prison, and he did not interfere. His self-confidence was gone, and soon the last remnant of power slipped from his hands; he could not obtain a third term of office as tribune (122).

The new consul, to exasperate Caius and drive him to some act which would justify violence, spoke openly of annulling the tribunes' laws, and ordered an inquiry into the Junonian colony.

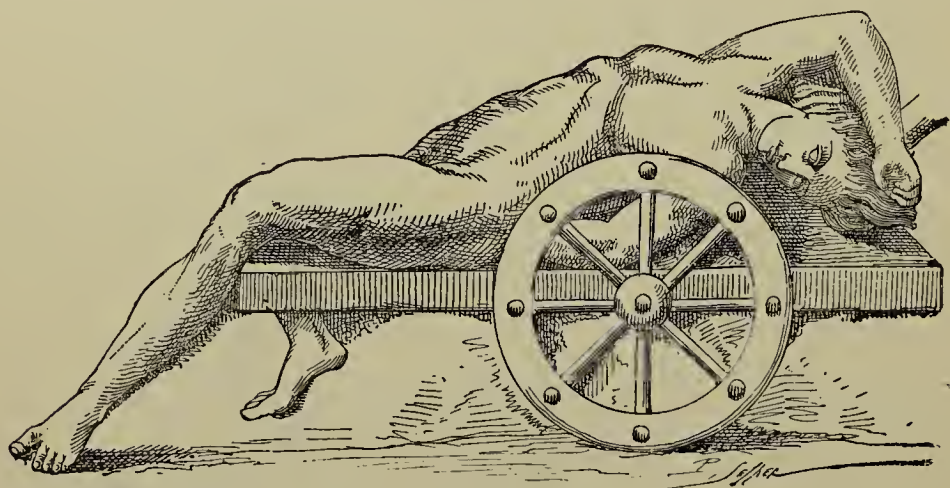
OPIMIUS.²DIADEMED JUNO,
WITH THE AEGIS
OF MINERVA.³

¹ We have seen (Vol. I. p. 614, n. 5) that the legend of Aeneas was received in Italy as early as the middle of the third century B. C.; the name given by Caius to Carthage makes allusion to the other part of the legend preserved by Vergil, the hatred of Juno towards the fugitive Trojans.

² L. OPEIMI ROMA. Victory in a quadriga. Reverse of a denarius of the Opimian family. The consulate of Opimius was remarkable for the extreme heat of the autumn and the excellence of that year's vintage, long famous under the name of *vinum Opimianum*. Some of it had been preserved as late as the time of Pliny. (*Hist. Nat.* xiv. 4.)

³ Sardonyx from the *Cabinet de France*.

Directly all the evil omens of which the Senate had need were forthcoming,—a standard torn by the wind from the hands that held it, and broken in pieces; the entrails of the victim swept from the altar by a furious gust, and flung outside the enclosure; the boundary stones of the city even dug up by wolves and carried off. The gods manifestly would not endure that the accursed city should be rebuilt; and the man who had proposed this was guilty of sacrilege towards the immortal gods and towards Rome. He must defend himself, or expect destruction. The first blood was shed by the partisans of reform; they slew one Antyllius, who, according to some, had merely grasped the hands of Caius, imploring him to spare his country, but, according to others,

CORPSE UPON A CART.¹

being a consular lictor, had insulted the ex-tribune and his friends, crying out to them: “Bad citizens, make way for honest men!”

Violent rain coming on separated the parties; on the morrow, at the break of day, Opimius convened the Senate. While they were assembling, men selected by the consul laid the body of Antyllius upon a bier, and after bearing it through the city with lamentations, set it down before the door of the senate-house. The senators interrupted their debate to come forth and look upon this corpse, so useful to their purpose. They surrounded it, lamenting loudly, and honoring with feigned grief the death of this hireling,—they who not long before had dragged through the streets

¹ Bas-relief from a Roman tomb.

and cast into the Tiber the grandson of the conqueror of Zama. Returning to their seats, they at once invested Opimius with the dictatorial power, by the formula: *Videret consul ne quid respublica detrimenti caperet*.¹

By carrying the dead body through the city, a part of the populace had been excited; by a promise of amnesty to those who should abandon the tribune before the combat, another portion had been detached; the decree "against the tyrants" completed the work, isolating the democratic faction, and serving as a pretext to all forms of cowardice, especially that of the rich, — those same publicans who owed so much to Gracchus, and who did nothing for him.

During the night Opimius had posted a band of Cretan archers in the Capitol and the temple of the Dioscuri, whence he commanded the entire Forum. He enjoined the senators and the knights of their party to arm themselves and their retainers, and bring them to the curia. They eagerly obeyed; even the aged Metellus, conqueror of Macedon and Greece, returned to the senate-house with sword and buckler. On the other side also preparations were made, but without order or decision. The ex-consul Fulvius, one of the triumvirs appointed for the execution of the agrarian law, had armed his followers with the Gallic weapons hung as trophies in his house, and had taken up a position upon the Aventine, the old citadel of the plebeians; he was here joined by a band of freedmen and peasants, whom Cornelia had sent to her son disguised as harvest-men. As he went Fulvius had called slaves to liberty. In the days of their power these reformers had only seen the destitution of the Roman populace; oppressed in their turn, they remembered at the last moment men more wretched still, and added a new cause of displeasure to all those which had so exasperated the nobles against them.

Caius shrank from such a violent struggle; he knew that his last hour had come, and his sacrifice was prepared: these Romans knew how to die. But his great designs must also fall with him; and to feel that soon nothing would remain of his generous efforts — this was the poignant grief that cut him to the heart.

¹ [This decree was a direct violation of the *lex Sempronia*, passed two years before. Cf. p. 474. — *Ed.*]

The evening before, returning from the Forum, he had stopped before his father's statue, contemplating it for a long time, the tears running silently down his face. In the morning he went out, wearing his toga, as usual, and having only a short dagger in his belt, not for purposes of fighting, but to remain master of his life, or rather, of his death. His wife, Licinia, would have stopped him on the threshold, but he gently freed himself from her. When



THE AVENTINE HILL AND REMAINS OF THE PONTE ROTTO.¹

he went away she fell fainting, and her slaves carried her, still unconscious, to the house of Crassus, her brother.

Following the advice of Caius, Fulvius sent to the senators his youngest son, carrying a caduceus in his hand; the boy was

¹ The *ponte Rotto*, originally *pons Aemilius* (?), finished while the second Africanus was censor (142), seems to have been constructed with the design of doing duty for the *pons Sublicius*, which was of wood, and preserved from religious considerations, although it had ceased to be employed for traffic. (See Vol. I. pp. 157, 177, and 205.) Engraving from the Duchess of Devonshire's *Aeneid*.

a handsome child, and some of the senators were touched by his appeals for reconciliation, made with tears. Opimius, however, haughtily declared that the guilty should not be allowed to say anything through the medium of a messenger, but must appear in person if they hoped to mitigate the Senate's just displeasure. Caius was willing to go before the Senate, to demand a trial, and to plead once more the people's cause together with his own; but his friends would not suffer this, and Fulvius sent again by his son to obtain if possible some guaranty of their personal safety. Then the consul, impatient to bring the matter to a close, ordered the boy to be detained, and marched upon the Aventine with a body of soldiers and the Cretan archers, whose arrows quickly put to flight the cowardly rabble, already reduced to half its number by a fresh offer of amnesty. Fulvius and his eldest son, having taken refuge in a deserted hut, were discovered and murdered.¹

Caius had taken no part in the struggle; withdrawing into the temple of Diana, he would have plunged the dagger into his breast, had not two of his friends, Pomponius and Licinius, wrested it from him. As the pursuers drew near, his friends dragged him towards the *pons Sublicius*, guarding behind him the narrow entrance to it until they were both cut down. Caius, with a slave, Philocrates, fled, and not an arm was raised to defend him. Had he obtained a horse he would have escaped. He called out for one as he fled; but those who were looking on contented themselves with encouraging him by voice and gesture, "as though he were running a race for some prize." He took shelter in the grove of the Furies, and at his own command was stabbed by his slave, who then slew himself upon his master's corpse. Opimius had promised to pay its weight in gold for the head of the ex-tribune. A friend of the consul, Septimuleius, took out the brain and filled the cavity with lead, demanding and receiving for it the 17 lbs. 8 oz. of gold which it weighed. The same reward had been offered for the head of Fulvius; but the persons who brought it in were poor men,

FULVIUS.²

¹ The soldiers of Opimius had threatened to burn all that quarter of the city if the place of refuge of Fulvius were not made known to them. (App., *Bell. civ.* i. 26.)

² CN. FOLV. M. CAL. Q. MET. Victory in a biga. Reverse of a denarius of the three families united — Fulvian, Caledian, Caecilian. (Metellus.)

and received nothing. In the struggle of that day 3,000 men perished, and those who were not slain were later strangled in prison. The boy Fulvius was murdered in cold blood. The houses of the partisans of Caius were razed to the ground, their property was confiscated, it was forbidden to their widows to wear mourning, and the wife of Caius was even deprived of her dowry (121).

Later, statues were erected in honor of the Gracchi, altars set up where they had been slain, and sacrifices and offerings



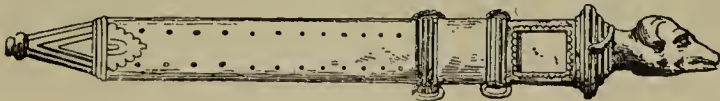
RUINS AT MISENUM. (ENGRAVING FROM THE BIBLIOTHÈQUE NATIONALE.)

long kept them in public memory. This tardy recognition consoled Cornelia, — too faithful, perhaps, to her austere character. She withdrew to her house at Cape Misenum, and there, surrounded by envoys from kings and by learned men of Greece, she took pleasure in relating to her astonished guests the story of the life and death of her two sons, herself as unmoved and tearless as if she had been telling the story of some hero of ancient days. Sometimes, too, she told the story of her father, Africanus, and she would add: “The grandsons of this great man were my children. They perished in the temple and grove sacred to the gods. They have the tombs that their virtues merited, for they sacrificed their lives to the noblest of aims, — the desire to promote the welfare of the people.”

Will the verdict of history indorse Cornelia's judgment? Yes; since Rome, now become a world, could not preserve the constitution which served for the modest city of the Seven Hills. The Gracchi strove to effect these modifications by legal measures; they failed; presently the experiment was tried by force of arms. Caius was the precursor of the Caesars in his struggle against the aristocracy and in the nature of his power; for the most important of all the imperial prerogatives was the tribunitian power,—the same with which Caius was invested, the same also which in our days the Napoleons revived under the name of the *plébiscite*. His two tribunates were nothing less than a monarchy; but without the military element added by the emperors, which presently brought ruin on the empire. He constituted a popular “tyranny,”—using the word in its Greek meaning; and had he succeeded, a civil power would have arisen, in the interests of citizens, allies, and provincials, above the faction of the nobles.¹

Rome was now destined to struggle for a hundred years in the midst of murders, proscriptions, and ruins, against that inevitable solution of the problem of her destinies which by the civil wars became sanguinary, while Caius might have kept it pacific. But by whom was Rome forced into this *via dolorosa*? By those who inaugurated the era of revolutions in assassinating the two tribunes whose laws would have secured to the Romans peace and liberty for many generations. The violence against the Gracchi and their friends was destined to breed other violence; and justice being on the side of the first victims, the last expiation was to be undergone by the sons of their murderers. The logic of history decrees that every great fault, social or political, must have its punishment.

¹ In his treatise *De la propriété d'après le Code civil*, M. Troplong, speaking of this agrarian law, says (p. 97): “The idea was generous, just, useful, and in the good sense of the word it was democratic . . . That Rome perished . . . may be due to the fact that the policy of these great citizens was not heeded.”



SWORD FOUND AT POMPEII.

CHAPTER XXXIX.

THE ARISTOCRATIC REACTION; EARLY CAREER OF MARIUS: JUGURTHA (121-106).

I. ARISTOCRATIC REACTION.

WHEN the 3,000 corpses had been thrown into the Tiber, the blood washed away in the streets, and the price for the murder paid, the savage Opimius, to render the memory of this odious victory immortal, caused a medal to be struck, representing himself as Hercules with a laurel-wreath and a club. After this he purified the city by lustrations, and consecrated a temple to Concord,¹ — a derisive parody of the last act of the life of Camillus. But Camillus had not murdered Licinius, and had, in truth, closed an era of disturbance; while Opimius opened an era of proscriptions.



HERCULES WITH HIS CLUB.²

Meantime the nobles dared not too quickly make use of their victory; they took fifteen years to overthrow the work of the Gracchi. After having intimidated the triumvir Papirius Carbo, the only remaining friend of Caius, they dishonored him by obliging him to

¹ This temple was rebuilt in white marble by Tiberius, and later restored by S. Severus. There yet remain magnificent ruins, whence has been made the restoration shown in Vol. I. opposite p. 386.

² Statuette of bronze found near Valenciennès, and now in the museum at Rennes. M. E.

defend Opimius, cited by a tribune to answer for the murder of so many citizens. The year after they caused him to be himself accused by the young Crassus. Opimius had been acquitted, but Carbo only escaped condemnation by suicide. The laws meanwhile were one after another modified or repealed. The permission granted to each man to sell his lot resulted in the land nearly all returning to the rich. Then the tribune Thorius carried a law that the public domain should not be further divided, and that the holders should retain possession by the payment of a tax, the proceeds of which should be distributed among the people. This was, in effect, a poor-law. The populace, encouraged in their idleness, applauded these attacks upon the agrarian law; but presently M. Octavius diminished the gratuitous distributions of corn, and in the year 111 a tribune, whose name Appian does not give, suppressed the tax.²

CARBO.¹

The nobles desired neither the reconstruction of a middle class, who might some day call them to account, nor the extension of citizenship to the Italians, — which would have reduced Rome from the rank of mistress of Italy to the condition of a simple capital, — nor the establishment of transmarine colonies, Latinizing the provinces, and propagating there rights which they would be obliged to respect. Themselves alone in the Senate and in all public functions; below them a populace easy to alarm by the Cretan archers, or to gratify by games and distributions: such was their short-sighted policy. At the same time they dared not yet lay hand upon the laws concerning the judicial offices, lest they should offend the powerful order established by Caius which had just aided them in his destruction. They understood also that to preserve the power which was coming back to them it was needful to prevent by some severe acts new attacks from the tribunes. In the year 116 the censors, Metellus Dalmaticus and Domitius Ahenobarbus, degraded thirty-two senators, two of whom were ex-censors; and they also expelled play-actors from the city, and prohibited all

de Chanot (*Gazette archéol.* 1875) regards it, and justly, as an antique [though very rude] copy of the famous Hercules, whose type is best known in the Farnese Hercules.

¹ CARB. ROMA. Jupiter Tonans in a quadriga. Reverse of a denarius of the Papirian family.

² Cicero, *Brut.* 36.

games except those of dice and huckle-bones.¹ The following year the consul Scaurus published a new sumptuary law, and limited the freedmen to the city tribes. Two years after, the austere Cassius Longinus condemned many vestals whom the pontifex maximus had not dared to punish.² Finally, when the scandals of the Numidian war broke out, the knights, sharing in the indignation of the people, punished a pontifex and several persons of consular family. But the nobles regarded this as going too far; and in the year 106



WOMEN PLAYING WITH HUCKLE-BONES.³

the consul Caepio asked to have half of the judicial positions restored to the senators. "Rescue us!" Crassus, the orator, cried, appealing to the people; "rescue us from the savage beasts, whose cruelty cannot satiate itself with our blood! Do not suffer us to be subjected to any other than yourselves; for we cannot and ought not to have other masters than you, the people!"⁴ These humble

¹ Livy, *Epit.* lxii., and Cassiod., *Chron. Alex.*: . . . *Artem ludicram ex urbe removerunt, praeter Latinum tibicinem cum cantore et ludum talorum.* In 92 the censors drove out the Greek rhetoricians.

² Livy, *Epit.* xliii.; Cie., *Brut.* 43.

³ The engraving represents a group in terra-cotta found at Capua, and acquired in 1866 by the British Museum, and published by the *Gazette archéologique* (1876, p. 971), with a learned paper by A. S. Murray.

⁴ Cie., *de Orat.* i. 52.



ARPINUM.

words gained the multitude, which disarmed itself, and the *judicia* were divided.¹ After which there was a general relapse of the poor into extreme destitution, of the rich into luxury and insolence; of the two sons of Cornelia no trace was left but a blood-stained memory.

“But,” says another tribune, Mirabeau, whose name is as great, though less pure, “when the last of the Gracchi fell, he threw dust towards heaven; and from that dust was born Marius.” Less than two years after the death of Caius, Marius became tribune.

II. EARLY CAREER OF MARIUS.²

THIS man was a citizen of Arpinum,³ rude as Cato, illiterate, loving neither school nor theatre;⁴ and had it not been for the Cimbrian wars, one who could never have played a leading part. An intrepid soldier, a good general, but without superior qualities, and unskilled in the arts of government, he was as irresolute in the Forum as he was firm in the camp. Living from day to day, and having no fixed designs, he betrayed in his long career, by turns, the Senate, the democratic chiefs, and the allies, and ended by re-entering Rome—he, “the third founder of the city”—at the head of an army of slaves enticed away from their

¹ Val. Max., vi. 9.

² Marius had but two names, Caius Marius; Plutarch expresses surprise at this, because the Romans had three, and sometimes four: 1st, the *praenomen*, designating the individual, as Caius, Cneus, Lucius, Marcus, Sextus, and corresponding to our baptismal name; there were not more than thirty of these in the Roman vocabulary; 2d, the *nomen* (*gentilitium*), or name of the *gens* to which the individual belonged, terminating always in *ius* or *eius*; 3d, the *cognomen*, serving to distinguish the different families belonging to the same *gens*, drawn from certain characteristics, — *moral*: Imperiosus (the violent), Brutus (the fool), Cato, Catulus (the crafty); *physical*: Caecus (the blind), Cicero (the chick-pea), Scipio (the staff); or, lastly, *historic*: Magnus, Maximus, Torquatus (with the collar), etc.; 4th, the *agnomen*, conferred in memory of a victory: Africanus, Asiaticus, Creticus, Macedonicus. Thus in P. Corn. Scipio Africanus, Publius is the praenomen, Cornelius the name of the *gens* (Cornelia), Scipio that of the family, and Africanus the surname. It is believed that the cognomen Scipio comes from some Cornelius having guided the steps of his blind father, as the latter might have used a staff, — *patrem pro baculo regebat*. (Maer., *Sat.* I. vi. 26.)

³ Born in a village of the Arpinate territory, which is still called the country of Marius, — *Casamari*.

⁴ After his triumph he gave Greek games, at which he himself was present only for a few minutes. He was never willing to learn Greek, nor to sacrifice, as Plato says, to the Muses and the Graces.

masters. Scipio had remarked his courage at the siege of Numantia ; and it is said that being asked on one occasion what general would take his place, he replied, " This man, perhaps," touching Marius on the shoulder, — a prophecy invented, like so many others, after the fact. The support of the Metelli, former protectors of his family,¹ raised Marius in 119 to the office of tribune. His first act was an

CAIUS MARIUS.²

endeavor to make the elections purer. The candidates and their friends, for the purpose of soliciting votes up to the last moment, were accustomed to station themselves upon the gangways leading to the polls. To keep them away Marius proposed so to narrow the passage that only one man could go through at a time. All the nobility cried out against this audacity of an unknown young man ; but Marius, in the presence of the Senate, threatened the consul with imprisonment, and called on his officer to drag Metellus to prison. The nobles were not willing to engage in a fresh struggle for a matter of secondary importance, and the proposal became law. The people applauded. A few days later the tribune interposed to prevent a gratuitous distribution of corn ; this assumption to dictate to both parties turned all against him. He failed, therefore, when he sought successively the two aedileships ; and

in 117 he was the last of the praetors elected. Even the reproach of having used bribery was brought against him on this occasion. The nobles at this time made a show of great strictness. One of the friends of Marius, the senator Cassius Sabaco, had

¹ He himself was not, however, their client ; his father was C. Herennius. (Plut., *Mar.* 5.)

² Statue in the Capitoline Museum. (Clarac, *Musée de sculpt.*, pl. 902, No. 2,304.) The view of Arpinum is from the work by Marianna, *Viaggi in alcune città del Lazio*, pl. 48.

taken the liberty of bringing his slave with him into the enclosure reserved for the senators; and the day being very hot, he had sent this slave to bring him water. For this offence the censors expelled him from the Senate; either his testimony had been false, it was said, or he was guilty of having given the people an example of effeminacy. Marius himself was accused. Among the witnesses summoned was C. Herennius, who refused his evidence because Marius was his client, and the law freed patrons from this liability. The judges admitted the plea. "But from the time when I was raised to office I have been no longer a client," said Marius, expecting from his patron favorable testimony. Plutarch, who relates the fact, adds: "But this was by no means the case, for only curule offices broke the bond of clientship, and Marius had not yet entered upon the office of praetor, his election having been contested." There was a tie in voting, and an acquittal was the result.

These accusations, this difficulty in making his way, slackened the energy of Marius. He passed the year of his office in obscurity, so that it is not clearly known whether he held the urban or the foreign praetorship; nor did he distinguish himself the following year in his government of Farther Spain, save by the vigor he displayed in repressing brigandage. On his return, the peasant of Arpinum sealed his peace with the nobles by a high marriage. He took for his wife the patrician Julia, the aunt of Caesar; and Metellus, forgetting his conduct as tribune for the sake of his military talents, took him into Africa as his lieutenant.

III. JUGURTHA.

MANY races have passed across that fertile strip of land which edges the great African desert, and in which lay the kingdom of Jugurtha. The Basque race, that impenetrable enigma of modern Europe, perhaps came thence. If the light hair and the blue eyes still to be seen there reveal an infiltration of northern blood among these races, children of the burning sun, we may admit that descendants of those Vandals, who reigned in

the land during the last days of the Roman empire, are yet there. But to whom can we attribute those megalithic remains which seem to have been transported thither by some magic power from the heart of Brittany? *Africa portentosa*, the land of monsters, is also the land of insoluble problems. The Romans cared little for



MEGALITHIC REMAINS: DOLMENS OF SIGUS.¹

these questions, which interest us so deeply. Sallust, who informed himself concerning the traditions in the earliest books of the country, passes quickly over these obscure questions of origin; he speaks of but three peoples, the Numidians and the Moors, in the midst of whom Phoenician colonies had been established, and in the desert the Gaetuli.²

¹ Delamare, *Explorat. scientif. de l'Algérie*, pl. 51, fig. 4.

² The story Sallust tells is legendary; and yet, according to M. de Rougé, Egyptian documents show that between the tribes of northern Africa and the races bearing sway upon the eastern shores of the Mediterranean existed relations of sufficient intimacy to admit of their forming a confederation to resist the encroachments of Egypt. In respect to the megalithic

From the date of the destruction of Carthage, the north of Africa was divided into three governments: on the west, the kingdom of Mauritania; in the centre, and extending far into the desert,¹ that of the Numidians, which reached from Mulucha (Molouya) to the Tusca (Zaine); finally, beyond this river, the Roman province, the ancient Zeugitana, which the Numidian kingdom, stretching towards the Cyrenaica, surrounded on the south and east. But in the region of the Syrtes was a rich and important city, Leptis, which was well able to remain independent of the Numidian kings, and during the war of Jugurtha solicited the friendship of Rome and a Roman garrison.³ Farther to the east Cyrene and Egypt were devoted to Rome; and even on the Numidian coasts the Senate had bestowed the title of allies upon several cities.

COIN OF LEPTIS.²

The Mauri were but little known, and the trading posts that Carthage had scattered along their coasts had perished with her. But the Numidians or Nomads,⁴—the Berbers or Kabyles of the present time—had made themselves a great name during the Second Punic War. They spoke a language whose traces have been discovered all the way from the Fortunate Islands (the Canaries) to the cataracts of the Nile. They were barbarians whose native shrewdness had been

COIN OF CYRENE.⁵

remains, — now no longer called Druidie, — they are to be found everywhere, and are possibly even now erected by certain tribes. Thus “it was formerly the custom in Kabylia to sanction important resolutions of the confederated bands in the following manner: at the time of meeting of the deliberative assembly, each tribe having the right to vote set up in the ground a stone; and the whole number of these stones formed a circle around the place where the assembly had held its meeting. Then, in case of failure of any tribe to keep to its agreement, the stone representing it was thrown down . . . The last instance of conformity with this custom occurred 130 years ago.” (Communication of M. René Galle to the *Acad. des inscriptions*, Sept. 10. 1869, inserted in the Academy’s *Mémoires*, vol. xxix. part 1, p. 13.)

¹ *Gaetulorum magna pars . . . sub Jugurtha erat.* (Sall., *Jug.* 19.)

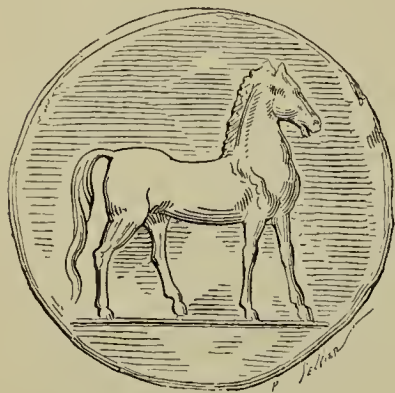
² ΛΕΠΤΙΣ Β. Bust of Mercury. Reverse of a bronze coin of Tiberius struck at Leptis.

³ The request was made to Metellus during the siege of Thala.

⁴ Νομάδες. (Strabo, ii. 131; xvii. 833, 837.)

⁵ Head of Jupiter Ammon. On the reverse, ΚΥΡΑΝΑΙ, and the plant which bears the silphium, a resinous gum, — *assafœtida* (?) or *laser*, — which Cyrene exports in great abundance, and to which marvellous curative properties are attributed. Tetradrachma of Cyrene.

developed by their dealings with the Carthaginians, against whom they had been obliged to contend in craft as in their deserts against the gazelle, and in their mountains against the lion and the panther. Masinissa,¹ whom we have seen to be faithless and



NUMIDIAN HORSE.³

unscrupulous, but a gallant rider even at ninety years of age, is a characteristic representative of that race who with their swift horses² lived by the chase and by rapine rather than by agriculture. Their cultivated lands, however, stretched far along the valleys and by the sides of the brooks where the date-palm bears its nutritious fruit. Upon the plains and along the hill-sides, which were protected from

drought by the great forests covering their tops, vast herds of cattle and flocks of sheep wandered the whole year long, without fold or shelter, wherever the pasture attracted them; but everywhere, too, decimated by the wild beasts, which were the true masters of the country. Later, Rome, to secure to her populace the amusements of the amphitheatre, made unceasing war upon the great carnivora, as France now does for the safety of her colonists; and, like so many other royalties, that of the lion will soon cease. Meanwhile, in the neighborhood of the cultivated ground, a few cities had come into existence, perched on low hills or rocks well adapted for defence. Masinissa's conquest of several Carthaginian provinces,



NUMIDIAN COIN.⁵

especially of the fertile Emporia, had increased the number of these cities; and Numidia contained in its western portion flourishing towns, whither Italian traders had already begun to find their way.⁴ Thus, step by step, civilization was making its way among these nomads, attaching them in part to the soil, multiplying objects of exchange, and bringing gold into the hands

¹ An inscription recently found at Delos gives this spelling to the name.

² It has been said that the camel was not imported into Numidia until a comparatively recent period, and that it was brought especially by the Mussulmans. This is an error; camels were used by Juba. (Caes., *Bell. Afr.*, 68.)

³ Reverse of a bronze medal of Carthage.

⁴ To Cirta (Constantine), for example, and to Vacca, which the inscriptions call Vaga.

⁵ Head of Masinissa or Juba. (Müller, *Numismatique de l'ancienne Numidie*, iii. 16.)

of their princes: a grandson of Masinissa believed he had enough to buy the city of Rome! This peaceful change went on, especially



GROUP OF NUMIDIAN PALM-TREES. (FROM A PHOTOGRAPH.)

during the reign of Micipsa, who has been called the Philhellene.

The region was, then, a large and prosperous kingdom, the like of which had not before been seen in Africa, whose warlike population might have become formidable, had not the policy of Rome been careful to keep it always divided.

Upon the death of Masinissa, Scipio Aemilianus had already divided the kingdom among the three sons of the old King. A premature



NUMIDIAN COIN.¹

¹ From a tetradrachma. Head of Hercules, crowned. (Müller, *op. cit.* iii. 17.)

death carried off the two elder, and the third, Micipsa, remained sole king; he himself, however, had two sons, Adherbal and Hiempsal, between whom it was his intention to divide the kingdom.

With his own children Micipsa had brought up an illegitimate son of his brother Manastabal,¹ Jugurtha, who seemed to inherit the indomitable courage and unscrupulous ambition of his grandfather Masinissa. Like him, Jugurtha was the best horseman in Africa, and no man was bolder in attacking the lion. Micipsa, seeing his nephew's reputation increasing daily, feared that he had nourished a rival for his sons; and hoping that war might rid him of this dangerous kinsman, he sent the young man with a body of troops to assist Scipio, at the time besieging Numantia. Jugurtha, however, profited by the opportunity to attach to himself the Romans of distinction who were in the camp; and from this expedition, which had increased his popularity with the Numidians, he returned full of ambitious projects, for he had discovered the fatal secret that with gold all was possible at Rome.² Scipio sent him back to Africa with brilliant compliments, and a letter to Micipsa, in which he said: "Your kinsman Jugurtha has given proof of the greatest valor; I know how much this will gratify you. His services have rendered him dear to me, and I shall do my utmost to make him also the friend of the Senate and of the Roman people. He is worthy of you and of Masinissa, his grandfather." Was this a letter of honest compliments, or of treacherous intent? Did Scipio propose to secure for Jugurtha such a position that Micipsa and his sons would be obliged to respect him? These Romans did nothing without good reason, and the latter hypothesis appears probable. At all events, Micipsa, uneasy at the ambition of the young man, believed it safer not to leave him to make his own way, but adopted him, and on his death left him a third part of the kingdom. He accompanied the gift, if we are to believe Sallust, with wise counsels on the necessity of union among the three rulers. They were but wasted words, which Jugurtha, if he did indeed hear them, forgot

¹ These purely Phœnician names show that the great families of Numidia had lost in a degree their indigenous character.

² *Omnia Romae venalia esse.* (Sall., *Jug.* 20.)



A VIEW AMONG THE NUMIDIAN MOUNTAINS, — THE GORGES OF THE CHIFFA.



Scale: 0 100 200 300 400 500 Kil.

MAP FOR THE JUGURTHINE WAR.

as quickly as Caracalla did when Severus, to preach concord to his children, read to them upon his death-bed the language put by Sallust into the mouth of the Numidian King.

Adherbal, Hiempsal, and Jugurtha were to reign jointly. Quarrels began at once among them; and Jugurtha, soon throwing off the mask, caused Hiempsal to be treacherously murdered. Adherbal, seeking to avenge his brother, was defeated, and fled for shelter into the Roman province (117). He went to Rome to plead his cause before the Senate; but the envoys of Jugurtha publicly bought up votes, and the Senate, whose policy required that Numidia should remain divided, contented themselves with a decree that ten commissioners should be sent out to divide the kingdom between the two princes.

Opimius, the chief of the embassy, was gained over to Jugurtha even before the embassy left Rome; the others yielded to the influence of Numidian gold; and Jugurtha obtained what he desired,—the larger share in the possessions of Micipsa. He did not long remain contented with this; and the issue of the struggle between the two was obvious,—the one active, restless, ready at any moment to fight; the other feeble and timid.¹ First, Jugurtha caused the territory of Adherbal to be ravaged; then he feigned a conspiracy on the part of this prince against his own life; and in response to the remonstrances of Adherbal he declared



COIN OF CIRTA.²

open war, which ended in a battle under the very walls of the royal city, Cirta (Constantine). Built upon a precipitous rock, and having but a single path of access, Cirta was at the time impregnable. Many Italian traders had established themselves there to utilize the resources of the country, of which the Numidians were not able to avail themselves.³ At the approach of Jugurtha and his bands of plunderers they took up arms; and Adherbal,

¹ *Metuens magis quam metuendus.* (Sall., *Jug.* 20.)

² Above a Numidian horse a Punie legend, interpreted by the Duc de Luynes, "Bomilear, prefect of the camp," and by M. de Sauley, "Bou-Melkart ben Hanna" (Bomilear, son of Hanna). Bronze coin, much worn.

³ Many Italians at this time were settled in Asia Minor, and many in Spain, which became so quickly Latinized. In thus invading the provinces and the allied countries, Italy depopulated herself, as Spain in the sixteenth century was depopulated by emigration to the mines of the New World.

sheltered amidst them, was able to await for five months the result of his entreaties addressed to Rome. Two of his followers made their way by night through the besieging camp, and brought to the Senate the humble supplications of the unfortunate prince. Some senators were desirous to send out an army at once; but the friends of Jugurtha succeeded in reducing it to a deputation, at whose head was M. Aemilius Scaurus.

This man, now one of the most influential in Rome, had long carried on the trade of a money-lender as a resource against poverty. Having passed, as was the custom, through the offices of aedile and praetor, he sued for the consulship; and suddenly obtaining by fraudulent means a considerable property, was able to buy the popular vote (115).¹ Nevertheless, he showed during his consulship a severity worthy of Cato. Being sent into the Cisalpina, he submitted his army to a rigorous discipline, and imposed upon his soldiers the most arduous labors to drain the marshes of the Trebia.² His successes against the Carni were rewarded with a triumph, and shortly after he received the title of prince of the Senate. Until this time he had shown himself unfriendly to Jugurtha; upon his arrival in Africa he wrote a menacing letter to that prince, directing him to come to Utica to receive the orders of the Senate. Whether through weakness or through corruption, Scaurus and his colleagues, after this demonstration, and after long and useless negotiating, withdrew from Africa, carrying with them a few fair words, and doubtless much gold. They had not yet reached Rome, when Adherbal, forced by famine to surrender, perished under tortures, together with the Italians who had defended him (112).³ Perhaps this bold outrage might have remained

¹ The Scauri were a branch of the great patrician *gens*, the Aemilii; their surname or *cognomen* signifies club-footed. Sallust says of M. Aemilius Scaurus *homo . . . factiosus, avidus potentiae, honoris, divitiarum, caeterum vitia sua callide occultans*. (*Jug.* 15.) Pliny speaks in the same tone; but Cicero and Tacitus are his eulogists. The spirit of party accounts for these contradictions. I note merely that he was born poor and died extremely rich. Now in the Rome of that time no man passed from one extreme to the other by honest means.

² He drained by means of navigable canals the whole plain from Parma to Placentia. Six years later, while censor, he paved the Aurelian Road between Pisa, Vada Sabatia, and Derthona, etc.

³ . . . *Numidas atque negotiatores promiscue interficit*. (*Sall., Jug.* 26.) Elsewhere Sallust calls these *negotiatores, togati*, that is to say, Roman citizens. If they were so, they must have been of the very humblest class, or else Jugurtha spared them; and the latter was

unpunished, had not Memmius, a tribune, openly accused the nobles. The Senate, compelled by popular indignation, declared that an army and a consul should at once be sent into Africa.

An agrarian law of the same year (111), fixing the conditions of ownership of lands in Carthaginian Africa, seems to have been a precaution taken in order to put an end to many uncertainties among the allies and subjects of Rome in respect to their rights as holders of property, which were very diverse.¹ It was a regulation of general interest, and at the same time a means of preventing Jugurtha from stirring up dissensions in a Roman province surrounded by his kingdom.

The choice being made by lot, Numidia fell to Calpurnius; and the war which was so deeply to humiliate² the pride of the nobles, drew on apace.

The Numidian prince believed it still in his power to bring everything to a stand. He sent his son and two of his agents to Rome with great store of gold; but Calpurnius obtained a decree forbidding them to enter the city, and requiring them to leave Italy within ten days. This was a good beginning. Calpurnius no doubt thought that he could command a higher price in Numidia than in Rome,—at the head of his legions than in

probably the case, for the murder of Roman citizens would have caused at Rome an excitement sufficient to render the intervention of Memmius needless. On this point the susceptibility of Rome was as keen as that of England has been in corresponding cases.

¹ This law, of which many fragments remain to us, applies to the *ager publicus* in Italy, in Africa, and in Greece (*ager Corinthiacus*). (See *C. I. L.* i. 77.) It determined the various kinds of properties and possessions and their legal character: *ager publicus*, or lands belonging to the domain of the Roman people, and farmed out by them; *ager privatus ex jure Quiritium*, lands assigned to Roman colonists, and held by them in Quiritarian ownership, although, like all parts of provincial territory, subject to the *tributum* (see p. 239, n. 6); *ager privatus ex jure peregrino*, domain of the allied cities, subject, as we have seen (p. 243), to diverse conditions. By degrees time effaced these differences, especially after the edict of Caracalla; under Diocletian there was no distinction between *possessio* and *proprietas* (*Fragm. Vatic.* 283); but the distinction between the Italian and the provincial soil was not legally abolished until the time of Justinian. In regard to the law of 111, it has been explained in its legal details by Th. Mommsen in the *C. I. L.*; and M. Ernest Desjardins (*Géogr. de la Gaule rom.* ii 292), in applying it to the colony of Narbo Martius, has shown that its provisions were susceptible of general application. It seems to have been intended to make a general settlement of all the questions that had been agitating the public mind for the last twenty-two years, by consolidating, with full ownership, the possession of public lands in Italy, Africa, and Greece in the hands of the existing occupants. It is possible that the anxieties caused at this time by Jugurtha, as well as a desire to put an end to the agrarian agitation, were influential in bringing forward this measure.

² . . . *Tunc primum superbiae nobilitatis obviam itum est.* (Sall., *Jug.* 5.)

the Senate, where he would have to share the spoils with many. In Africa he received the King in his camp, and negotiated with him, requiring for the Republic thirty elephants, horses, a few cattle, and some money; for himself and for his lieutenant, Scaurus, enormous sums.

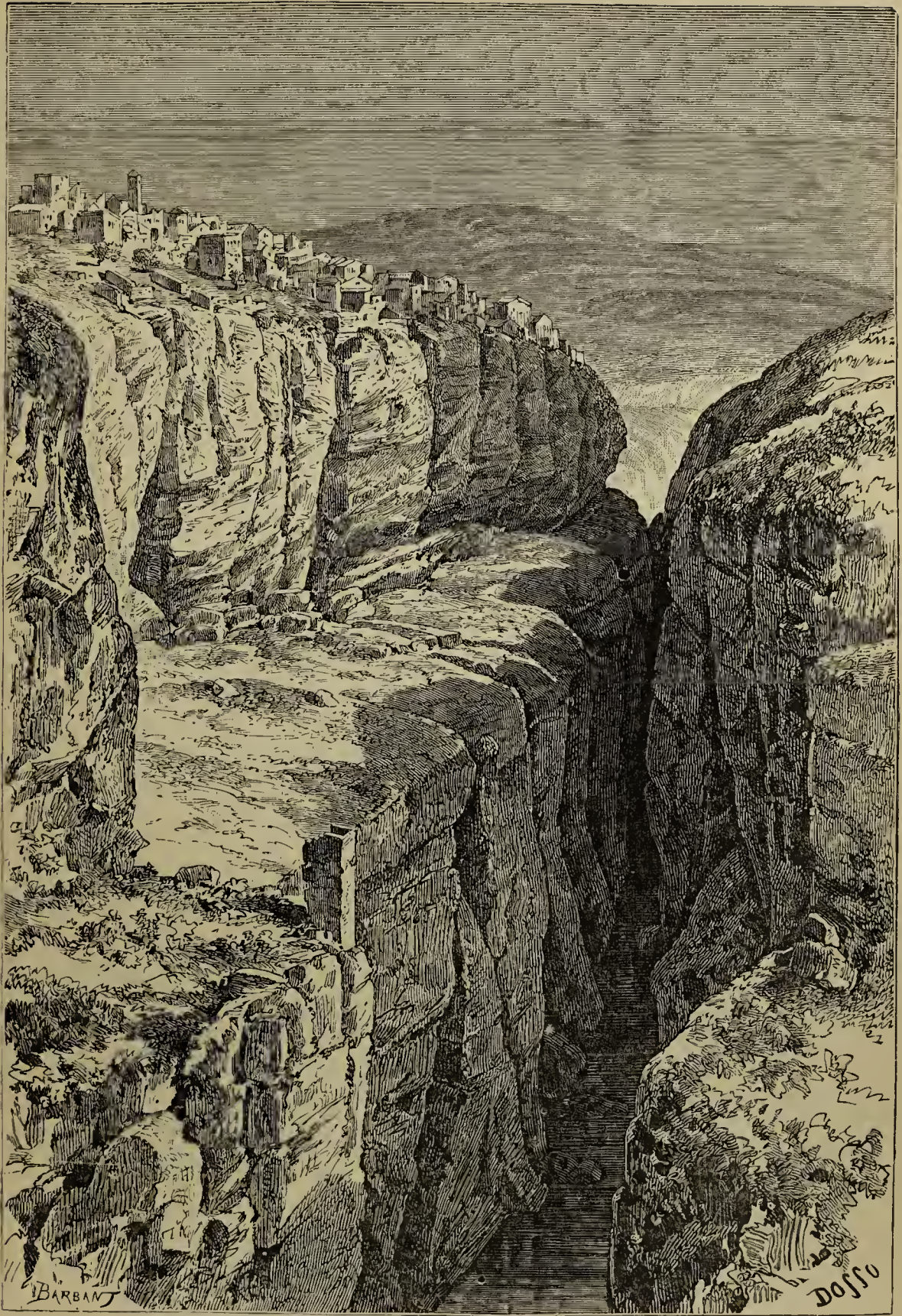
At news of this bargain Memmius burst forth with eloquence like that of Caius Gracchus.¹ "You have left your defenders shamefully to perish," he says. "No matter; like them, I will attack that haughty faction which for fifteen years has oppressed you! You were silently indignant when you saw the public treasury given up to pillage, and the tributes of kings and nations confiscated by a few men. But even this did not content them; it must needs be that they give up to your enemies your laws, your dignity, religion, and the state. See them, far from blushing, pass before you, insolently displaying their pontifical honors, their consulships, their triumphs,—no longer rewards of virtue, but of pillage. Good faith, honor, religion, justice, injustice,—they traffic in everything! Slaves bought with money will not tolerate injustice; and you, Romans, born to command, endure servitude! And who are these men? They have slain your tribunes, shed the people's blood, and are become your masters, filling your timid souls with the terror that ought to pervade their own guilty consciences. Do you ask me what I want? I insist on the trial of those who have surrendered to the enemy the honor of the Republic, that they be prosecuted, upon Jugurtha's own testimony." The people, moved by these appeals, decreed that the most upright magistrate of the time, Cassius Longinus, should be sent into Africa to induce Jugurtha, the public honor being pledged for his safety, to appear in Rome, and testify concerning the underhand proceedings of M. Aemilius Scaurus and his accomplices. Relying upon the support of the nobles, Jugurtha obeyed the summons; but when Memmius bade him speak, another tribune, suborned by the Numidian for the purpose, ordered him to be silent.

¹ Sallust says that he selects this discourse out of many others by the same author "to transcribe," *perscribere*; and asserts that the words are nearly unchanged: *hujusmodi verbis disseruit*. (*Jug.*, 30.) [The style, however, is so thoroughly Sallustian that we cannot regard it as even approximately accurate.—*Ed.*]

Another Numidian prince, Massiva, also a grandson of Masinissa, was at this time in Rome. The consul, Sp. Postumius Albinus, eager for the opportunity of conducting a war, advised him to profit by the popular anger, and demand for himself the crown of Numidia. Jugurtha caused the youth to be assassinated by one of his followers, Bomilcar, who succeeded in making his escape after committing the murder (110). This was too much; and the Senate ordered the King to leave Rome instantly. Outside the gates, — so runs the story, — Jugurtha turned back, and casting a look of contempt and hatred at the city, exclaimed: “Venal city, all you want for your ruin is a purchaser!”

Albinus followed him into Africa, and appeared to wish to prosecute the war with resolution. But Jugurtha, now fighting, now negotiating, secured delay; and the consul, recalled to Rome to hold the comitia, left the army in charge of his brother, Aulus Postumius. In the hope of securing the royal treasures, Aulus led the troops by forced marches to Suthul, a place whose site is now unknown. In this sad story of the Republic’s downfall we find treason at every step. The soldiers also were eager for the profits of venality; and a Ligurian cohort, two Thracian squadrons, a centurion, and even some legionaries went over to the enemy or surrendered their posts. The defeated army, surrounded by the Numidians, passed under the yoke; and a treaty of peace was signed, one of its conditions being that the entire Roman army should be withdrawn from Numidia within ten days. This was Jugurtha’s answer to the Senate’s decree which had ordered himself and his envoy out of Italy within the same period (109). Faithful to old traditions, the Senate annulled the shameful agreement, — which, moreover, the *propraetor* had no right to make, — and Albinus returned in all haste; but he could do nothing with this army demoralized by disorder and defeat.

Again a tribune called for the punishment of this disgraceful conduct. Mamilius obtained a decree that all those who had accepted money from the Numidian King should be brought to justice. Scaurus, now directly threatened, had the skill to have himself put on the commission of inquiry. Four ex-consuls, however, were condemned, among them Opimius, the murderer of Caius Gracchus, who died in exile at Dyrrachium, obscure and disgraced.



VIEW OF CIRTA (CONSTANTINE). — THE ROCKS.

This war, which had been regarded at first as a trifle, became a cause of anxiety, when another and formidable one, that with the Cimbri, was perceived to be approaching. A grave and honorable man, Q. Caecilius Metellus, was made consul (109), and Africa fell to him by lot as his province. The first measures were to purify the army from brigandage, cowardice, and insubordination; and Metellus addressed himself to this work, aided by his lieutenant, Marius, and the stoic Rutilius Rufus, both of whom had learned under Aemilianus, in the siege of Numantia, that discipline is the sure pledge of victory. When the consul had restored to his soldiers their self-respect, he advanced into Numidia, not suffering himself to be delayed by the humble embassies of Jugurtha, and obtaining pledges from the King's own deputies that they would deliver up Jugurtha, alive or dead;¹ speaking of peace, but still advancing, and always in good order, as far as Vaga,² where a great number of Italian traders had established themselves, and where he now placed a garrison. Being thus master of this important place, which kept open his communications with the Roman province and secured his supplies, Metellus went in search of Jugurtha; and in an action which lasted the entire day, defeated him on the banks of the Muthul³ (the Oued-Seybouse), which falls into the sea at Hippo Regius (Bona) (108). This victory was followed by the defection of many cities: Sicca (Keff) surrendered to the Romans, and became their depot for eastern Numidia; Cirta, it is probable, opened her gates to them at this time; and Jugurtha, by degrees abandoned by all his troops except his irregular cavalry,⁴ was reduced to begin a form of guerilla warfare, in the hope of regaining what he had lost.

Numidia, bristling with mountains which are cleft by the beds of rapid streams, is only a succession of valleys and steep heights, rendering the advance of an army extremely difficult, and furnishing constant opportunities for surprises. A country like this,

¹ Frontinus (i. 8) says that Metellus followed this plan with the twofold design to terminate the war if possible by the treachery of the Numidians, or in any case to give Jugurtha cause to be suspicious of all those who surrounded him.

² Bejah, upon the River Bejah, a branch of the Medjerdah, and about twelve miles distant from the main river.

³ Muthul is probably the African name of the river that the Romans called *Ubus*.

⁴ *Præter regios equites*. (Sall., *Jug.* 54.)

inhabited by a half-nomad race of men devoted to their king, whom they regarded as the national hero, could not be gained by a single victory, but required a thousand petty engagements. Each valley must be carried as if it were a city; each mountain, as if it were a fortress. Metellus resigned himself to the necessity; all the fertile plains were ravaged, the cities burned, the



AN ELEPHANT AND
HIS DRIVER.¹

fighting men slain. Jugurtha tracked him among the mountains, hovering about the heavy Roman infantry, not daring, however, to fling his swift cavalry upon them to be broken by the shock, but stopping provision-trains, carrying off foraging parties, cutting off supplies of water, and himself laying the country waste. When the consul, for the purpose of approaching the Roman province, besieged Zama,² twice during an assault the King nearly succeeded in capturing the Roman camp. This siege was the close of the campaign; Metellus garrisoned the places he had conquered, and then went into quarters in the province.

The larger part of eastern Numidia had submitted to the Romans; Sicca, Vaga, Cirta the capital, and all the cities of the coast were garrisoned by the invaders. The King was afraid to see the war recommence; and upon the advice of Bomilcar, — who, knowing himself under sentence at Rome for the murder of Massiva, had in a secret interview made terms with Metellus,³ — he sued for peace, giving up 200,000 pounds of silver, all his elephants, numbers of horses, weapons, and all the refugees who had not had time to escape into Mauritania. But when he received orders to appear in person before the consul, he could not make up his mind to do it; and Metellus, continued in his command by the Senate, resumed hostilities, still keeping what Jugurtha had surrendered to him.

Up to this time Marius had loyally seconded his chief. Before Zama he had saved the camp, and had nearly been successful in taking the city. Being sent to Sicca to escort a

¹ Reverse of a tetradrachma of Jugurtha. (De Brosses, *Hist. de la répub. rom.* i. pl. iii. No. 7.)

² The position of this place has not been determined; it is perhaps Yana, near Keff, five days' journey to the southwest of Carthage.

³ The agreement was discovered, and Jugurtha put the traitor to death.

provision-train, he had, although falling into an ambush, defeated the Numidian cavalry, and retained the city on the side of Rome. In action no man was more intrepid; in the camp and on the march, none so indefatigable. Metellus was stern and haughty; in his lieutenant the severe tone of command was tempered at times by more popular manners, and he commanded nothing which he was not himself ready to undertake. It was to him, therefore, that the soldiers ascribed all the successes of the campaign; and already the soothsayers predicted for him a lofty fortune, which the African traders, the publicans, and even the army aided to bring about, by writing to Rome that the war would

ROMAN SOLDIER.¹

never be brought to a close unless Marius was appointed consul.²

He was at this time forty-eight years of age. He had held the offices of tribune and praetor, and had been the governor of a province. He coveted the consular fasces; but the nobles had for many years resolutely closed the supreme office against new men, and "passed the consulship from hand to hand."³ In fourteen years the office had been held six times in the family of the Metelli alone; and when Marius asked his general's permission to go to Rome to present himself as a candidate for the consulship, Metellus, amazed at his strange audacity, bade him dismiss

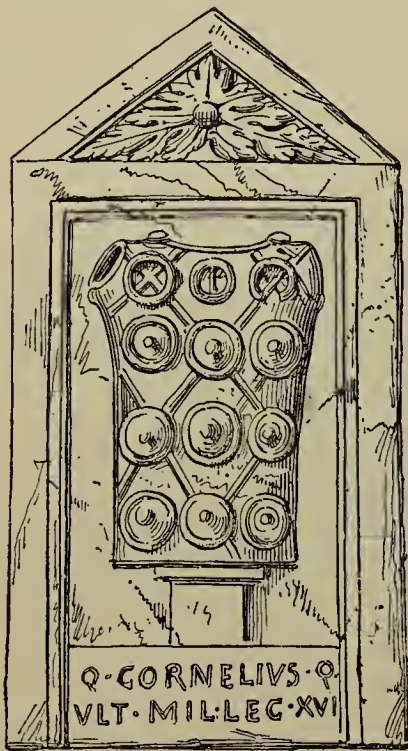
¹ Celebrated statue in the Gallery of Florence. (Clarac, *Musée de sculpt.*, pl. 850, No. 2,155.)

² Plut., *Mar.* 7.

³ . . . *Consulatum nobilitas inter se per manus tradebat.* (Sall., *Jug.* 63.)

such delusions from his mind, and make his desires conform to his condition; adding that it would be time enough for Marius to think of it when the consul's son, then about twenty years of age, should be ready to present himself as a consular candidate.

Wounded in his ambition and in his pride, Marius no longer restrained his hatred of Metellus. In the presence of the soldiers he blamed the proconsul's harshness; at Utica¹ he promised the Italian traders, to whom this war was ruinous, that in a few days he would take Jugurtha dead or alive, if but half of the troops



CUIRASS, ORNAMENTED WITH PHALERAE (MILITARY REWARDS) UPON A TOMB.²



COLLAR AND DECORATIONS WORN BY A CENTURION.

in Africa were given him. A cruel vengeance has even been attributed to him. In an insurrection of the inhabitants of Vaga, all the Roman garrison had been massacred, with the exception of Turpillius, the officer in command, a friend and host of Metellus. A council of war condemned Turpillius; and as he had only the *jus Latii*, he was beaten with rods,³ and then beheaded; and it is

¹ Now Ben-Chali, upon the Medjerdah, six miles from its mouth.

² From Otto Jahn.

³ This instance proves that the law of Drusus (see p. 434), which provided that a Latin should not suffer this punishment, had been abolished during the reaction, or was no longer observed.

said that Marius boasted of having, by this condemnation, brought an avenging fury on the proconsul. The sentence was, however, just; for if Turpillius had not actually been a sharer in the plot, he had at least by his negligence caused the death of all the Roman force.¹ The remark attributed to Marius must therefore be regarded as one of the very long list of apocryphal sayings. Metellus at last gave way; but only twelve days before the meeting of the consular comitia. Marius, however, made such haste that he arrived in Rome on the seventh day.²

Since the success of Memmius and the Mamilian law,³ the tribunes had recovered their courage. Both by his reputation and by his hatred to the nobles, Marius deserved their support. They proposed his name; the citizens of the rustic tribes came in crowds to vote for

PLAY-ACTOR.⁴

¹ Sallust says of Turpillius (*Jug.* 67): *improbis, intestabilisque videtur*; and he adds (69) that his defence did not justify him. Metellus caused the whole Senate of Vaga to be massacred. The Thracian and Ligurian deserters had their hands cut off; they were then buried to the waist in the earth, and the army, drawn up around them in a ring, despatched them with arrows.

² [This shows how good both sailing-ships and roads were, and how completely the Romans had perfected their means of travelling.—*Ed.*]

³ See p. 464.

⁴ Statue in the Vatican, found at Praeneste upon the site of the forum. (Clarae, *Musée de sculpt.*, pl. 874, No. 2,224.)

the peasant's son from Arpinum, and he was elected. The people, who know no middle course either in favor or in hate, annulled a decree of the Senate maintaining Metellus in his province, and gave to Marius the command in Numidia. From that time the arrogance of Marius was unbounded; he reiterated publicly that his consulship and his province were *spolia opima* won from the nobles. Sallust has composed for him insulting speeches, which are probably far more polished than were the rude soldier's harangues. But no doubt he did castigate, in his rough language, the cupidity, the pride, and the folly of the nobles,—the three vices, he said, which had hitherto been the defence of Jugurtha.

Even more serious than these offensive words, was his action in admitting the proletarii into the legions.¹ This measure was nothing less than a complete revolution. Up to this time there had been enrolled only men who, possessing some property, left to the Republic a pledge of their fidelity; under the standard these soldiers were still citizens. When Marius had armed the populace, military service was no longer a civic duty, but a trade; and the penniless man who sold his vote in the city, sold his courage in the camp. During the next eighty years the legions were no longer the armies of the Republic, but the followers of leaders who bought them at the price of lax discipline, plunder, and military fame.

IV. THE COMMAND OF MARIUS IN NUMIDIA (107—105).

THE Senate was not disposed to irritate by an idle resistance the popular opposition which was re-forming around Marius. Preparations, therefore, were hurried forward; whatever Marius required,—arms, provisions, equipments, money,—he obtained without difficulty; and his departure was hastened by news of the further successes of Metellus.

This general, at the opening of his third campaign, had once

¹ *Ipsē milites scribere, non more majorum, neque ex classibus, sed uti cujusque libido erat, capite census plerosque* (Sall., *Jug.* 86); and he adds this very truthful expression: *homini potentiam quaerenti egentissimus quisque opportunitissimus.*

more dispersed the Numidian army, and driven Jugurtha back into the desert. With a small troop of cavalry and some deserters, the King gained the stronghold of Thala, where were his children and his treasures. Between Thala and the nearest river, for a distance of fifty miles, stretched the desert; Metellus did not shrink from risking his army in these arid wastes.¹

The consul left all his baggage behind him; he collected a great number of beasts of burden, which he loaded with ten days' provisions and a supply of water; then he organized provision-trains to be brought to him by the people of the country at fixed dates. He was in this way able to persist forty days in the siege of Thala, without incurring serious danger; but when the city at last fell, Jugurtha had already made his escape, carrying off his treasures. Threatened by treason, and pursued unremittingly by a determined foe, this prince knew not where to take shelter. For a long time he wandered in the deserts of the Gaetuli, where his reputation and his treasures attracted to him these wild nomads. He armed and disciplined them; and then, returning into Numidia at the head of a large force, he negotiated with his father-in-law, Bocchus, king of Mauritania. This prince, irritated at the beginning of the war by the Senate's refusal to accept his alliance, saw with terror the repeated disasters of Jugurtha. His son-in-law had little difficulty in obtaining his assistance; and the two kings, uniting their forces, marched toward Cirta, under whose walls Metellus had encamped. Here the consul was established when he received news that he had been superseded in the command, and that his hated rival was approaching. Not willing to meet Marius, he gave Rutilius the duty of delivering up the army to its new general, and himself hastened to Rome, where a triumph and the surname Numidicus were obtained for him by his friends. A tribune, however, accused him of

¹ The author is indebted to M. Ernest Desjardins for the following note: "Thala still retains its early name, and is situated in the upper valley of Oued-Serral, an affluent on the right of the Oued-Mellègue, which itself falls into the Medjerdah, likewise from the right. Grenville Temple has discovered immense ruins here, — *oppidum magnum et opulentum*, — which M. Guérin has visited and described. (*Voy. en Tun.*, vol. i. pp. 338–341.) Thala is situated eight miles due south, as the bird flies, from Cape Roux and La Calle. Sallust places Thala fifty miles from the nearest river. It is certain, however, that a watercourse, the Oued-Haïdrah, is not very distant from it; the text of Sallust is here without doubt corrupt. No city can be found in this region which is fifty miles distant from the nearest river."

extortion; but when Metellus presented his statement to the judges, they would not even examine it, and pronounced him innocent.

Meanwhile the war was not yet ended. Jugurtha and Bocchus, keeping at a safe distance and in inaccessible places, followed from afar the movements of the new army of Marius, hoping to find opportunity to fall upon the untried legions. But the consul, skilfully served by spies, knew from day to day what the enemy was doing, and outwitted him in all his attempts. In many skirmishes he defeated the Gaetuli, and once in an encounter near Cirta nearly killed Jugurtha with his own hand. Thus, having hardened his troops and trained them to African warfare, he returned to the tactics of Metellus. Of all this general's exploits the most vaunted had been the taking of Thala. Marius advanced still farther into the desert; and, in the midst of a plain infested with serpents, attacked the city of Capsa,¹ taking it in a day without the loss of a single soldier,—which did not, however, prevent him from burning the city, killing all the young men, and selling the rest of the inhabitants. Many other cities were taken, or abandoned without resistance by their inhabitants, and burned.

Until this time the war had been concentrated in that part of Numidia which bordered on the Roman province; Marius now carried it into the opposite quarter, upon the frontiers of Mauritania.

Not far from the Mulucha, or Malva, a river making the boundary between Numidia and Mauritania, rises in the midst of a plain a rocky elevation at that time crowned by a strong fortress, to which but a single narrow footpath gave access, leading along the edge of steep precipices. Here Jugurtha had placed a part of his treasures, a store of provisions, and a good garrison, who were secured against thirst by an abundant supply of water. A place like this could not be attacked by the ordinary methods, and at the same time Marius was extremely anxious to take it. A Ligurian in the auxiliary cohorts, having one day gone out after water, had passed round the base of the hill, and chanced to see, on the farther side, snails crawling upon the face of the rock. Desiring to add them to his bill of

¹ Capsa, 175 miles south of La Calle, and 75 west of the Gulf of Gabes, in 34° 15' north latitude, and 8° 54' east longitude.



CIRTA. — THE NATURAL BRIDGE (DELAMARE EXPLOR. SCIENT. DE L'ALGÉRIE, PL. 158).

fare, he clambered up some distance; and in the ardor of his pursuit went so high that he came to an oak whose top reached the level of the plateau. From the branches of the tree he could leap down upon it; and he beheld at his feet the fortress, and the garrison upon the ramparts, mocking the vain efforts of the Romans. Upon this soldier's report, Marius gave orders to four active trumpeters and four of his bravest centurions to repeat the Ligurian's feat. They followed him, each man bearing upon his back his sword and a shield, made of leather, that it should be light, and that there should be no clash of metal against metal to betray their approach. The Ligurian led them like a true Alpine guide; and they soon reached the top. All the garrison were upon the walls, occupied in repulsing a violent attack of the Romans. But when the trumpets were heard in the rear and above them, and they saw armed soldiers advancing, they believed that the whole Roman army was within the fortress, and took to flight, leaving Marius to enter, without encountering any resistance.²

SYLLA.¹

It was during this siege that Sylla, the quaestor of Marius, joined him with a corps of Latin cavalry. It would have been difficult to bring together two men more opposite in character. Sylla, a member of the illustrious Cornelian family, but of a branch which had hitherto been obscure, was a man of the new school, loving luxury and elegance as cordially as Marius detested them. Lavish of his money as of his friendship, eager for glory, brave, eloquent, with an enthusiasm and energy which nothing could check, he soon became a favorite both with soldiers and officers; and even Marius loved this young noble who did not rely upon his ancestors (106).

Jugurtha had lost his cities and his forts. To induce Bocchus to risk a general engagement, the Numidian's last hope, he promised his ally the third of his kingdom. The Roman army, surprised by the two kings upon a march, was, so to speak,

¹ From a coin. (Clarac, *Icon. rom.*, pl. 1,049, No. 3,205.)

² Sall., *Jug.* 92-94 [who gives a detailed description. — *Ed.*]

besieged during the night upon a hill; but at daylight the legions recovered the advantage, and made a massacre among the Mauritanians and Gaetuli. A second attempt to surprise the legions near Cirta had a momentary success. In the confusion of the attack Jugurtha cried out to the Romans, holding up his bloody sword, that he had slain their general, and the legionaries began to give way; when Sylla and Marius himself rushed in among them. The fortune of the day at once turned, and the two kings only escaped by a hasty flight.



COIN OF
SYLLA.¹

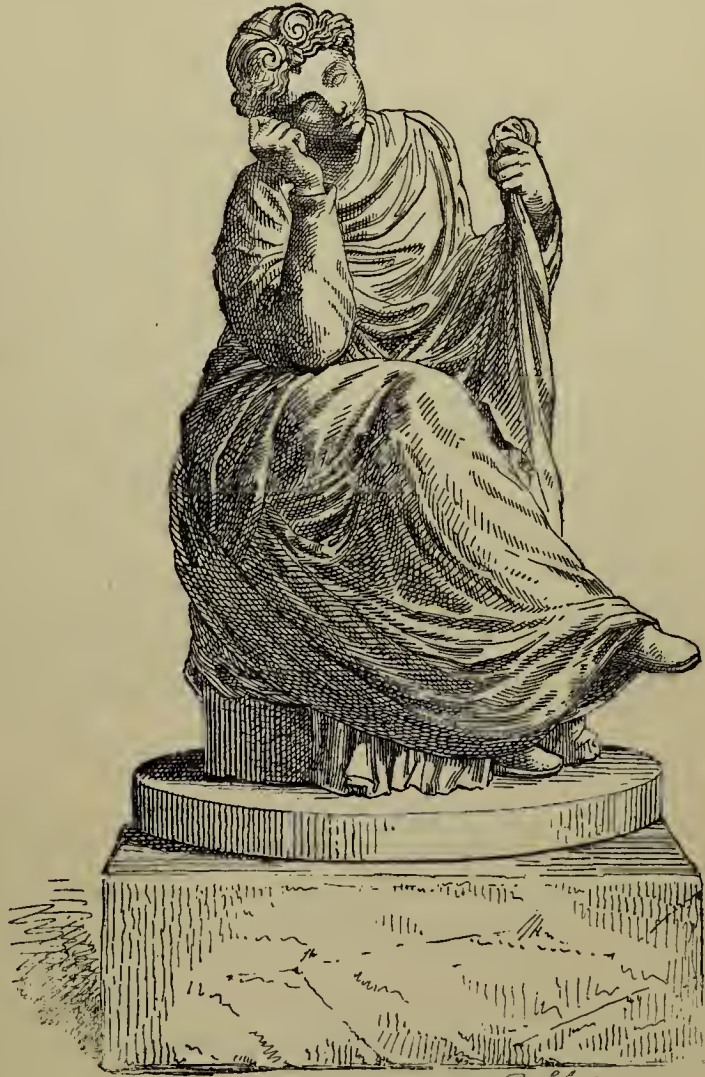
The fidelity of Bocchus gave way before this double disaster. Five days after the battle he made proposals to treat with the Romans. Marius despatched the King's messengers to the Senate, who made reply that the Roman people never forgot either injuries or benefits; that they pardoned Bocchus in consideration of his repentance; but that the alliance and the friendship of Rome could only be obtained by him when he should have succeeded in deserving them,—an ominous reserve, whose significance the barbarian king readily understood. Upon new solicitation on the part of Bocchus, Marius intrusted to his quaestor the dangerous mission of traversing all Numidia and a part of Mauritania, for the purpose of conferring with the King. The rhetoricians seize upon this situation to draw a dramatic picture of the vacillations of Bocchus, one day proposing to deliver Jugurtha to the Romans, and on the next to give up Sylla to the Numidian King.² The former of these acts would end the war and secure to Bocchus a province; the latter would draw upon himself all the vengeance of Rome, without adding one chance for his success, or taking one from the consul's; he could not even have thought of it. Jugurtha, summoned to a conference, was loaded with chains and delivered to Sylla, who made him traverse his whole kingdom in this condition (106).

¹ From a coin of the Cornelian gens.

² Appian shows that the project of giving up Jugurtha had been long determined on. (*Numid.*, fragm., 4.) Sallust believes in the hesitations of Bocchus; but his own narrative proves them fictitious. Jugurtha was still at the head of a numerous and devoted band; he had spies among the Mauritanians; and at the least suspicion would have fallen back into the desert. To induce him to leave his own people and present himself at a conference where he might be seized, much duplicity was needful. Bocchus, who had for a long time been negotiating with Marius, used all that the case required; and the treachery was consummated.

It was the custom that a victorious general should not leave the country he had conquered until he had organized it for the best advantage of Rome. Marius remained for nearly two years more in Numidia. It would be interesting to know what he was doing there; but the battles, exploits, and dramatic situations were over; the achievements of peace, the labors of prudence, give no scope for eloquence. Sallust says not a word about them, and ends his history with the capture of Jugurtha.

Before leaving Africa, Marius determined the destiny of the conquered kingdom; and by skilfully distributed favors he made clients there whose descendants were found by Caesar faithful to the hereditary friendship.¹ Bocchus received Western Numidia (the provinces of Algiers and Oran); and the Roman province of Africa was aggrandized by a portion of Eastern Numidia; what remained was ceded to Gauda, the last surviving prince of the old royal house. The

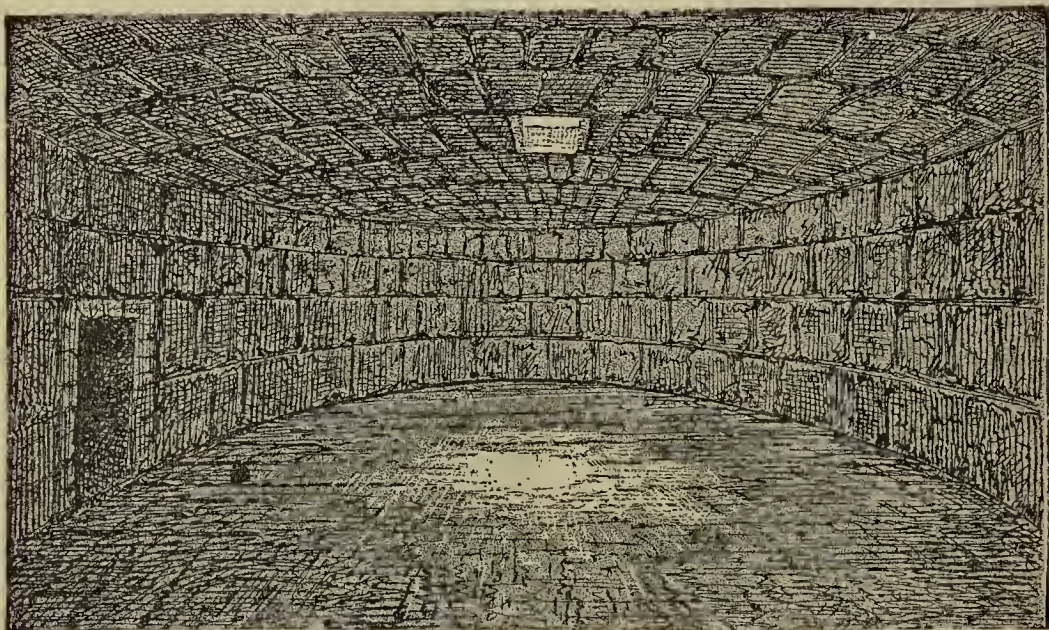
CAPTIVE PROVINCE.²

Senate had at this moment too serious matters in hand to embarrass themselves with forming a new province in a country which was still ungovernable, because there was no force which

¹ Cf. Caesar, *Bell. Afr.* 35.

² Statue in the Pamfili collection. (Clarac, *Mus.*, pl. 768 A, No. 1,906 B.)

Rome could use to hold it. Far better was the policy to abandon this enfeebled kingdom to princes whom the Senate could easily keep dependent upon Rome, until it should be found best to replace them by proconsuls.¹ Patient, because she believed herself eternal, Rome always made allowance in her policy for the effect of time, which gave her immense strength. Meanwhile, until the moment for annexing Numidia should arrive, the original province of Africa would be a centre whence Roman civilization would radiate through the barbarian kingdom.

THE TULLIANUM.²

Marius returned to Rome on the first day of January, 104, bringing Jugurtha with him. Far from feeling envy toward his quaestor, who was at that time but a very unimportant person, he

¹ The Numidians were divided into many tribes, frequently at war with one another. In the province of Africa, where centralization had been strongest, Pliny was still able to enumerate twenty-six different tribes. (*Hist. Nat.* v. 4.) Appian (*Lybica*, 10) says the same thing.

² The Tullianum was so named, it is said, from Servius Tullius, who is believed to have had it excavated in the *tufa* of the Capitoline Hill, perhaps to use it as a cistern; a spring, also named from the King, still rises in it, and the water was drawn up through the aperture seen in the arched top. The condemned person was let down by a rope, and after death the body was drawn up by a hook. Possibly the small door, which opens into a low subterranean passage-way, may be of later date, and may have served for the bodies to be dragged to the river, when it was not desired to expose them upon the *gemoniae*, that is, the *Stair of Sighs*, which led to the prison. Prisoners of state not condemned to death were given in charge to the inhabitants of the most important municipia in Italy. Cf. Sall., *Cat.* 51 and 52.

associated Sylla in his triumph, allowing him to distribute to the soldiers medals representing the consul in a quadriga, on the reverse being these words: *L. Corn. Sylla proq.* After the triumph the Numidian King was thrown into the Tullianum. "By the gods," he cried, laughing, "how cold your baths are!" Here after six days he perished by starvation (104). He had the rashness to contend single-handed against Rome, defending himself with a skill that made use of all weapons, whether of steel or gold, but also with an indomitable courage. His vices are those of his time and his African blood; his courage, his perseverance, and his soldierly virtues do honor to his name and to the race whose political existence ended with his life.

Nine years later, the Senate pursued the same course in another part of Africa as this which they had adopted in Numidia.

Between the eighth and the eighteenth degree of east longitude the African coast retreats before the Mediterranean in a great semicircle, called the region of the Syrtes, — an inhospitable sea, into which even now vessels rarely venture; having a sterile coast¹ of shifting sand, where nomads pitilessly pillage the shipwrecked sailor. But at the two extremities of this semicircle there are mountainous regions well watered and of proverbial fertility. One of these the Phoenicians occupied, and the Greeks the other. To the former the Romans had already succeeded; and the will of Ptolemy Apion, king of the Cyrenaica, now substituted them for the latter (95). The Senate, however, contented themselves with declaring the five principal cities of this little kingdom free, under the protection of Rome: Cyrene and Apollonia, its seaport, Barca, Arsinoe, and Berenice. They were left even in the possession of the royal domain on payment of a tribute, and the country was not reduced to a province until about the year 75, when it became necessary to suppress its domestic quarrels. This was a precious acquisition to Rome as a political position, not to speak of the commercial importance of the country, which furnished for exportation the products of a soil called the garden of Africa, and a commodity, the *silphium*, which was sold at

¹ Except upon the borders of the Cinyps (Wadi Quasam), and about the three cities of Tripoli — Leptis Magna, Oea (Tripoli), and Sabrata.

Rome for its weight in silver. From the Cyrenaica Rome kept watch upon Egypt, as from the province of Africa upon Numidia.

Leptis, in the midst of the Syrtes, but at the outlet of fertile valleys, had solicited the friendship of Rome during the Numidian war, and had obtained from Metellus a garrison of four Ligurian cohorts. This place, nearly equidistant from Cyrene and Carthage, united these two Roman possessions, and completed the investment of the African coast.

¹ From a coin of the Cyrenaica.



PTOLEMY APION.¹

CHAPTER XL.

THE CIMBRI AND TEUTONES (113-101).

I. CREATION OF A ROMAN PROVINCE IN GAUL.

THE act of treachery which ended the Numidian war had not yet been committed, when a formidable invasion of Northern barbarians threw Rome into extreme alarm; and all, people and nobles alike, united to confer the consular office for a second time upon the absent Marius.

Up to this period the Romans had never penetrated far inland from the Mediterranean coasts. The countries lying along this sea had alone attracted their attention and their efforts. They had not even looked into that unknown world which stretched beyond the Alps, as if they had been vaguely conscious that, in the darkness of those impenetrable forests, some formidable danger for them lay concealed.

It was indeed another world. The Alps, which we may regard as connected with the Pyrenees by the Cevennes, and with Mount Haemus by the Illyrian and Macedonian ranges, bisect the continent of Europe. On the south of this line of 800 leagues are three mountainous peninsulas, in which, before the time of the Roman power, every valley was an independent state; on the north stretch limitless plains, the cradle of the great nations of the future. On the shores of the Mediterranean were Iberian, Italiot, and Greek races, cities brilliant with all the splendors of art and commerce, governments of republican mould,—in a word, all that we call ancient civilization; beyond the Alps there were Celtic, Germanic, and Slavonic tribes, barbaric manners, encampments here and there, a more or less nomadic life, the authority of chiefs, and, in the germ, many of the customs which the mediæval period inherited. Rome had not sought to cross the Alpine barrier; her legions had

not even as yet claimed possession of it. Even after the victory of Appius Claudius (143), who had made an attempt to lay hands upon the gold mines and washings of the valley of the Doria Baltea, the Salassi had remained independent, like all the mountaineers of the Alps, and continued to ravage, in predatory expeditions, the valleys on the north of the Po.¹ To bring this to an end, the Romans later (100) founded a military post at Eporedia (Ivrea), at the entrance to the Val d' Aosta, and at the entrance of two important Alpine roads, the Great and the Little St. Bernard. The Salassi, however, were not finally tranquillized till the time of Augustus.

By degrees, however, the Senate was tempted to abandon its reserve, and to pierce this line. It became necessary to open a safe thoroughfare from Italy eastward and westward, into Greece and into Spain, and to protect against the aggressions of the mountain tribes the allies of Rome living along these two highways. This was the design of the expeditions of Marcius Rex into the Maritime Alps against the Stoeni, of whom not one suffered himself to be taken alive (118), and of Aemilius Scaurus against the Carni of Venetia (115); of many consuls against tribes hostile to the Massiliots; lastly, of Porcius Cato against the Scordisci of the Illyrian Alps (Bosnia and Servia), — a savage race who made no prisoners, who drank from the skulls of their enemies, and mutilated the dead slain in battle. Cato perished with all his army, and the barbarians extended their ravages over the whole



MASSILIOT COIN.²

of Illyria (114); then, moving eastward, they overran all the countries lying north of Greece. But in Macedon and Thrace they encountered legions better handled, and were by degrees driven back upon the Danube.³ These successes and the subjugation of the Carni by Scaurus secured for the Romans the barrier of

¹ Strabo, iv. 205; Vell. Paternulus, i. 15.

² Head of Diana; on the reverse, a lion and the first letters of the city's name, MASSA. Massiliot drachma.

³ Livy, *Ep.* lxiii.; Eutr., iv. 24. A Metellus (113), Livius Drusus (112), and Minucius (109), drove them out of Thrace. (Clinton, *Fasti Hell.*) On the subject of a Gallic invasion of Macedon in 117, see *Comptes rendus de l'Acad. des inscr.*, 1875, p. 78. To the north of Aquileia are rich gold mines which attracted the Italians hither. (Strabo, iv. 208.)

the Eastern Alps, while the destruction of the tribe of the Stoeni opened to them the Maritime Alps (118); and their earliest ventures beyond these mountains had been made seven years before.



MONUMENT AT ENTREMONT.¹

Thanks to the wisdom of a government which in some aspects resembled the Roman, Marseilles had been for four centuries fortunate and prosperous. The destruction of Etruria, of Magna Graecia, and of Carthage had given her opportunity to

¹ This design is given and explained by M. E. Desjardins, *Géographie de la Gaule romaine*, vol. ii. pp. 111-114.

become the greatest commercial city of the West. Moreover, she cultivated early the friendship of the people who had destroyed her rivals and left her the sea. But, like Venice, Marseilles was not content with ruling the seas, she desired to have provinces; and, like Venice, she lost her wealth, and then her liberty, in the attempt. All the sea-coast from the Pyrenees to the Alps, from Ampurias to Monaco, was covered with her trading-posts.¹ But these centres of peaceful traffic were surrounded by warlike tribes who were wont to have sanguinary contests with one another, and with the Gauls their neighbors. Of this exists a curious souvenir; namely, three square stones, discovered at Entremont, near Aix, each of which has a bas-relief on three of its sides. It is the most ancient relic of Gallic sculpture, and, with its grimacing, detruncated heads, tells of a very barbaric art and of very savage manners. Massilia had often to complain of these neighbors; and her colonists by their continual encroachments provoked from the Ligurians more than one troublesome attack. To put an end to these conflicts, Massilia had recourse to the Senate; and a Roman envoy, despatched as arbiter, seeking to land near Antibes, was repulsed by the inhabitants and wounded. Upon this, an army was sent against the offending tribes, the Oxybii and the Deciates. These poor mountaineers could make no stand against the



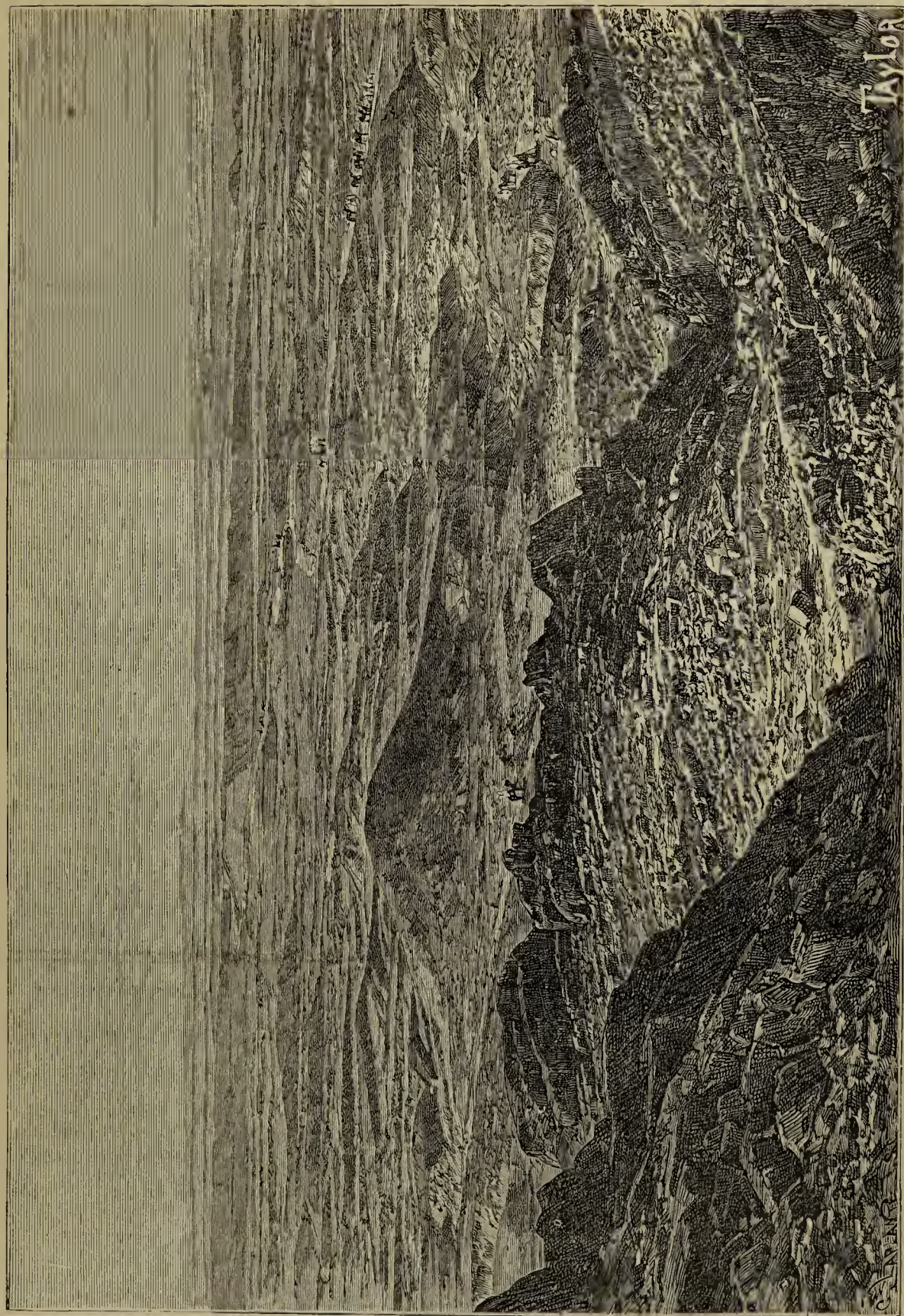
COIN OF ANTIBES.²

legions; they were obliged to give hostages and submit to being disarmed, and were placed in subjection to the Greek city.

Fresh complaints again brought the Roman legions, this time against the Salyes (125). Fulvius Flaccus, the friend of the Gracchi, and after him, Sextius, defeated them. The latter forbade these tribes to approach nearer than 1,500 paces from the landing-places, and 1,000 from the rest of the coast; and the entire shore was given up to the Massiliots, who were to guard it in the interests of Rome. The Vocontii, against whom Marseilles had made no complaint, shared the fate of the Ligurians. But this time Rome kept what she had conquered; she established herself permanently between the Rhone

¹ See Desjardins, *Géographie de la Gaule romaine*, vol. ii. pp. 140-186.

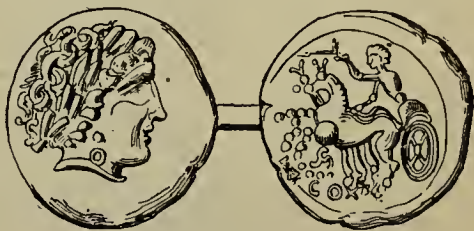
² Head of Venus. On the reverse, Victory erecting a trophy, and the name ANTIBES. The remainder of the legend is of doubtful reading and signification. Copper coin of Antipolis (Antibes).



VIEW OF THE NUMIDIAN DESERT (ENVIRONS OF BISKRA).

and the Alps, by founding, in a beautiful situation abounding in warm springs, a *castellum*, called by the name of the proconsul, *Aquæ Sextiæ* — Aix (122). Instead of barbarous tribes, who were in reality not very dangerous, Massilia saw herself now surrounded by the possessions of her ally. She ought to have foreseen that this circle would one day close in upon her.

The city of the Sextian Springs was hardly established, before Roman activity began to stir up all the nations in the valley of the Rhone. Three great tribes bore sway there, powerful themselves, and having important auxiliaries: on the right bank of the river, the Arverni, whose territory stretched westward beyond the mountainous region which yet bears their name (Auvergne); on the left bank, as far as the Isara, the Allobroges; and between the Saône and the Loire, the Aedui. This latter tribe, hostile towards both the others, consented to an alliance with Rome; and the consul, Domitius Ahenobarbus, taking into account that the Aedui could, in case of need, make an important diversion, sent haughtily to claim a Salyan chief who had taken refuge with the Allobroges. For sole reply the latter armed, and came down as far as Vindalium, at the confluence of the Rhone and the Sorgue, where the Romans awaited them; and 20,000 barbarians perished by the sword of the legions (121). The following year the Romans, led by Fabius, the brother of Scipio Aemilianus, crossed the Isara; but the King of the Arverni, Bituitus, recalled them in haste by throwing upon their rear 200,000 Gauls, who had crossed the Rhone on two bridges of boats and rafts. When the barbaric King, seated in his silver chariot and surrounded by his pack of war-dogs, saw how small was the Roman force, he exclaimed: "There are not enough of them for a meal for

COIN OF THE ARVERNI.¹COIN OF THE TECTOSAGES.²

¹ Laurelled head. On the reverse, a charioteer driving a biga. Gold stater of the Arverni.

² Male head; the reverse, an open flower, copied from the Rhodian rose. Silver coin, ascribed to the Tectosages. M. de Saulcy regards this piece as a drachma of a people in Central Gaul, but does not venture to give it a more definite location.

my dogs!" Discipline and military skill, and especially the use of elephants, overcame this multitude, of whom 120,000, it is said, perished on the battle-field or were drowned by the destruction of the bridges.¹ Bituitus, allured by Domitius to a conference some time later, was seized and carried in chains to Rome. The Senate were unwilling to let the legions advance into the mountains of Auvergne; but Fabius received orders to unite to the Roman province all the country bounded by the Rhone from Lake Lemman to the sea. The Allobroges were treated with severity; the Cavari, on the contrary, obtained great privileges, and the Vocontii the title of *Civitas foederata*. In Gaul, as in Italy, Rome distributed her favors

INSCRIPTION OF DOMITIUS.²

and her wrath unequally, that a common oppression might not unite the vanquished in a common hatred.

The consuls of the following years crossed the Rhone, and gave the new province as a western frontier the chains of the Cevennes and of the Corbières; the Tectosages, who were masters

¹ [Of course all these numbers are given purely at random by the ancient historians.—*Ed.*]

² HERCVLI SACRVM, CN. DOMITIVS AIENOBARBV. PROCOS. DEVICTIS ET SVPERATIS BELLO ICONIIS TRICORIIS. Strabo (iv. pp. 185 and 203) places between the Rhone and the Alps the Vocontii, then the Trieorii, Ieonii, and, higher up the mountains, the Medulli. Our inscription is not complete. A fragment of it had long been known, whose authenticity, however, Mommsen disputed; the second fragment was discovered by M. Edmond Blane, in the department of the Alps-Maritimes, upon a highway, probably the *Via Domitia*.

of Tolosa, even accepted the title of allies of Rome. The colony of Narbo Martius (*Narbonne*), placed, as its name indicates and as its remote situation required, under the special protection of the god of war, was to watch over the new subjects (118). Situated near the mouth of the Aude, at the extremity of that great depression through which the *Canal du Midi* now passes, it became the rival of Marseilles when the Romans made of Bordeaux the other great commercial centre of this portion of Gaul. A military road, commenced by the conqueror of the Allobroges, *Via Domitia*, and leading from the Alps to the Pyrenees, secured Rome's communication with her Spanish provinces.¹

Since the battle of Zama, we have seen victorious consuls taking for themselves surnames in memory of their successes; and Fabius now took that of *Allobrogicus*. In Greece, international law did not permit animosities to be perpetuated by rearing upon the territory of the vanquished a durable monument of their defeat; and this custom had passed into Roman usage. But barbarians were not thought to merit so generous treatment. Upon the battle-field of Vindalium Fabius built one temple to Mars and a second to Hercules; and between the two he placed upon a stone tower a trophy of Gallic arms.² The temple and the trophy have disappeared; but there exists a less imposing souvenir of Domitius' victory, an inscription, the first that the Romans ever cut in Gaul, which "the iron-faced man," as Licinius Crassus called him, caused to be engraved on the side of one of the high Provençal hills, recently, by a fortunate accident, brought to light.

The transalpine province, guarded by its two military positions, Aix and Narbonne,³ and protected by the Tectosages and the Aedui, recent allies of Rome, was like an outpost whence the Senate watched and held in check the Gallic nations; and thither Marius went to save Italy.

¹ These wars are contemporary with the expeditions of the two Metelli against the Dalmatians (117), (*Livy, Epit. lxii.*) and against the Balears, from which wars they received the two surnames they bear in history. Metellus Balearicus destroyed nearly all the male population in Majorca, and re-peopled the island with a colony.

² Strabo, iv. 185; Flor., iii. 2.

³ Aix, however, did not become a colony until the time of Augustus.

II. THE CIMBRI IN GAUL; BATTLE OF AIX (102).

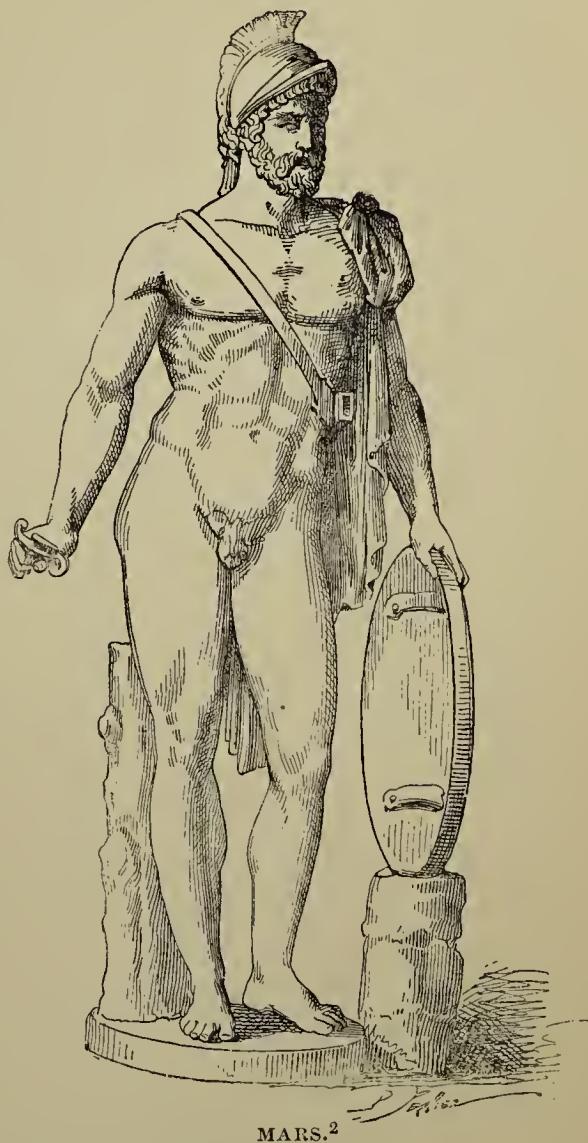
THE Cisalpina had not yet recovered from the alarm caused in 118 by the appearance of the Scordisci on the opposite coast of the Adriatic, when news came, first, that 300,000 Cimbri and Teutones, driven from their homes by an overflow of the Baltic, had crossed the Danube; then, that they were ravaging Noricum; lastly, that they were in the valley of the Drave, but two days' march from the Carnic Alps. A consul, Papirius Carbo, hastened to the mountains with a strong force to defend the pass which traverses them. The barbarians were at the moment occupied in besieging Noreia, a town rendered important by its iron mines. Papirius, aided by treachery, hoped to surprise them, but suffered a sanguinary defeat (113). Whether the name of Rome struck terror into these barbarians, or whether the *débris* of the consular army, saved by a storm from a complete destruction, guarded the defiles, the invaders stopped short at the foot of the Carnic Alps; and for three years Noricum, Pannonia, and Illyria, from the Danube to the mountains of Macedon, were horribly ravaged. When there remained nothing more to seize, the horde traversed Rhaetia, and entered the lands of the Helvetii, at this time established between the Maine and Lake Lemán (Switzerland and Suabia). Some of the Helvetii, with the Tugeni, Tigurini, and Ambrones, German or Celtic tribes, whose exact abode is not known, consented to follow them; and together they came down the Rhine valley to make their way into Gaul.

Up to this time the Celts had been supreme on the north of the Italic and Illyrian Alps; while another branch of the great Aryan family, the Germans, had accumulated in innumerable tribes behind them in the regions farther to the north. These in turn poured into the valley of the Danube their overflow of population. This was not a warlike band in quest of adventure, but a whole people, with its women, and children, and flocks, and leather-covered wains, containing all their possessions, who came southward, seeking a less inclement sky, the plunder of rich nations, and the fertile lands whose conquered inhabitants should henceforth sow and reap

for them. At sight of these tall, fair-haired men, whose light-blue eyes gleamed so savagely, the slender, dark-hued dwellers in the Italian provinces soon understood that they were encountering a race for ever hostile. The word *Cimber* means robber; and for five centuries the Germans gave Rome a right to call them Cimbri.¹

The manners and customs of the Cimbri placed them at the very foot of the social scale. Frequently they ate raw flesh. Like the American savage, they were wont to insult their adversaries before the conflict with coarse gestures of contempt, and they advanced to battle with war-cries. When the enemy was formidable they advanced in a close phalanx, the men in the foremost ranks being bound together by ropes passed through their belts. They fought bravely; and to fall in battle seemed to them the most honorable form of death. After victory followed endless orgies and brutal ferocity; and if they had vowed the spoils to their gods, everything was destroyed, men and booty alike. Thus wherever their caprice had led them, it was as if a whirlwind had swept over the land.³

Such was the first appearance of the Germanic race on the edges of the civilized world; but the Gauls had been no less



¹ Plut., *Mar.* 11; the same in Festus and Suidas.

² Mars of the old Crawford Collection. (Clarac, *Musée*, pl. 634 A, No. 1,436 B.) This naked warrior, with the chlamys on the left shoulder, may represent a military hero as well as the god of war.

³ Mommsen, *History of Rome*.

terrible in Greece. The barbaric condition is the same, whatever the race ; fortunate the people who have no trace of it left !

In the Belgae of Gaul the Cimbri imagined a kindred race ; they formed an alliance with them, and left under their care, with a guard of 6,000 men, all the booty which would have embarrassed their march ; then they proceeded southward, and for over a year Gaul suffered all the evils of the most terrible invasion (110). Upon the banks of the Rhone the Cimbri again found themselves confronted by those Romans whom they had already met in their expeditions eastward, in Illyria, in Macedon, and in Thrace. The immensity of this empire, whose frontiers they found everywhere, struck them with astonishment ; and for the first time shrinking from a battle, they asked the consul Silanus to give them lands, offering in return to fight for Rome whenever she desired it. "Rome," rejoined Silanus, "has no lands to give, and desires no services." Thereupon he crossed the Rhone, and was defeated (109) ; the confederated barbarians were not, however, able to force the passage of the river.

In the spring of the year 107 they divided ; the Tigurini made their way toward the fords of the Rhone, near Geneva ; the Cimbri and Teutones were to attack lower down. The Romans also divided their forces, Cassius Longinus, the consul, engaging the Tigurini, while Aurelius Scaurus marched against the Cimbri. Both armies were defeated : the former passed under the yoke after having seen their consul slain ; the latter made their way back into the province in disorder, leaving their general a prisoner in the enemy's hands.

The province was left defenceless ; the Alps were no longer guarded ; and the prestige of the Roman name began to wane in the minds of these barbarians who had now so often defeated the legions. A council was held by them to determine what route to follow, Scaurus being present, loaded with chains. Being questioned, he intimidated his captors by his bold replies : "I counsel you," he said, "to cross the Alps ; set foot in Italy, and you will learn what the Roman power is !" These brave words exasperated a young chief, as the American Indian is said to be irritated by the sarcasms of his prisoner at the stake ; he fell upon Scaurus and ran him through the body.

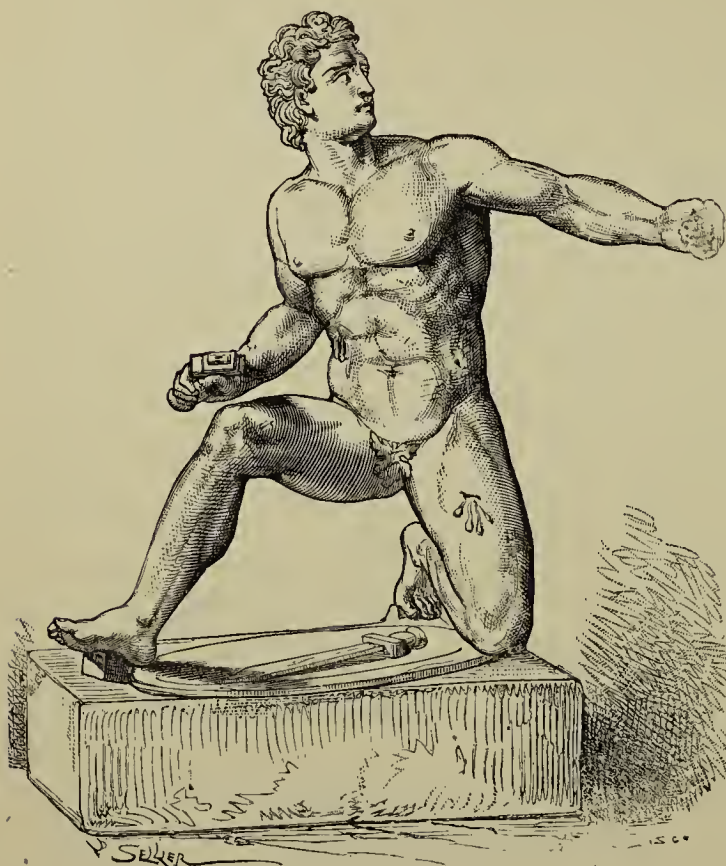
The Cimbri, however, hesitated. In their carelessness, they lingered a whole year enjoying their victories. Why indeed should they hasten, even had they determined upon their next step? The earth was fruitful, the sky mild, their booty already immense; were they not in possession of all that they had come to seek? They even suffered the consul Caepio to sack the capital of the Volcae Tectosages, with whom they were in alliance. These Volcae had, it was said, brought back from their predatory expeditions into Greece an enormous amount of treasure, which they had consecrated to their god Belis by throwing the melted gold and silver into the lake adjacent to his temple. The god could not defend his treasures, however, from the avidity of the legionaries and their chief, when divers sought for them beneath the water. Caepio obtained 110,000 pounds weight of gold, and a million and a half pounds of silver from the sack of Tolosa; this treasure he sent forward to Marseilles, posting men upon the road, however, who killed the guard and carried off the precious booty (106).

The following year the Senate sent out another army and a newly-appointed consul, Mallius, to divide the command with Caepio. This ill-judged measure, the misunderstandings which arose between the two generals, and finally the separation of their forces into two camps, resting upon the Rhone, opposite Orange, brought on a frightful disaster; the two camps, attacked successively, were carried by the enemy; 80,000 Roman soldiers, with 40,000 camp followers or slaves, fell under the sword, and the rest were made prisoners. It is said that but ten men escaped; of this number were Caepio and a young Roman knight, Q. Sertorius, of whom we shall hear later; the latter, though wounded, swam the Rhone without throwing aside his cuirass or buckler. This was the sixth Roman army which the barbarians had destroyed (Oct. 6, 105).

Before the battle, the Cimbri, to avenge an outrage upon their deputies, had vowed to sacrifice to their gods all that should fall into their hands; and they fulfilled the oath religiously. The men were slain, the horses thrown into the river, cuirasses, arms, and chariots were broken and burned; even the gold and silver was cast into the Rhone: and from the Alps to the Pyrenees there was one vast scene of devastation.

The defeat at Orange surpassed in horror that of Cannae; but

there was no Hannibal at the head of the Cimbri. Arriving at the gates of Spain, and finding the way open, these barbarians forgot Italy. They were curious to see this new country; and crossing



WOUNDED COMBATANT (FROM THE LOUVRE).

the Pyrenees, they proceeded to try their swords upon that race of Celtiberians so tough and obstinate in their mountains. This delay was Rome's salvation. It gave her time to call home Marius from Africa and send him to guard the Alps, giving him, in spite of the law, a second consulship within three years. The alarm, however, was extreme; but Rome had still in reserve the energy needful against danger. As had been done after the battle of

Cannae, a decree of the Senate abridged the time of mourning for the slain, and gave orders that no Italian of military age should leave Italy, forbidding captains of vessels to receive any such on board. Satisfaction was also offered to public indignation. A hundred years earlier, the Senate and the people had gone out to meet the fugitive general from Cannae,—so much respect did the consular authority command even in hands considered incapable; but now law no longer had this supremacy, and a popular vote deprived the defeated general of his imperium.¹

Marius proceeded to take up a position behind the Rhone to the north of Arles, upon the western slope of the mountains (104). He entrenched himself securely; and to be certain of his supplies arriving at all times, he employed his soldiers in digging a canal

¹ See the following chapter.

by which vessels from Marseilles and from Italy might avoid the shallows at the mouth of the Rhone. This canal came out upon the shore at a point where the village of Foz now recalls the name of the *Fossae Marianaë*.¹ The legionaries who were employed in this work were called in derision Marius' *mules*; but by these severe labors he broke up those habits of indolence and luxury which had prevailed for half a century in the Roman camps, and had cost the state six armies. Inexorable toward all faults, his severity yielded before no considerations. A young soldier, insulted by a nephew of the consul, had slain the offender; instead of punishing the soldier, Marius rewarded him for the act.

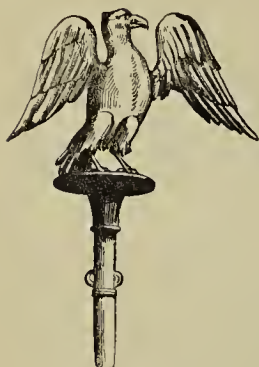
To this period belong the modifications in the soldiers' armor introduced by Marius, giving them a light round shield and a javelin, which, once thrown, could not be used a second time; for he caused the head of the weapon to be attached to the shaft by a wooden and an iron pin, the former of which breaking, spoilt the weapon for use, while the iron pin held the shaft, thus embarrassing the movements of the soldier in whose shield it had fixed. Marius also directed the soldiers to learn the art of fencing, — an exercise of great importance in a time when battles were decided in a series of hand-to-hand contests. Before his time the Roman army was arranged in order of battle in three ranks; for this he substituted two. But in the ten cohorts, which had taken the place of the thirty maniples, he combined the different arms, light and heavy infantry, so that each cohort of 600 men was, like modern battalions, a copy of the entire legion, whose unity he marked, by giving to each its standard, a silver eagle.²

Scipio Aemilianus had, some time earlier, during the siege of Numantia, created the general's bodyguard, the soldiers of the *praetorium*, the *praetoriani*, selected from the bravest in the army, excused from all duties but guarding the general's person, and receiving higher pay than the other soldiers. The new Roman army, therefore, was quite different from that of the earlier time. Rank and position were no longer based on property, but on years of service; and the army was now open to those who were on the lists

¹ Upon this subject see the *Géographie de la Gaule romaine* of M. E. Desjardins (vol. ii. p. 199). Marius gave this canal to the Massiliotes, and it became a source of wealth to them from the tolls they levied on vessels going up or down. (Strabo, iv. 183.)

² See in Vol. I. p. 509, the early military organization.

of the census only as *capite censi* (persons without property), and also to foreign contingents, Numidian or Thracian cavalry, Balearic



ROMAN EAGLE.¹

slingers, light troops from all countries. For the war against the Cimbri, even such remote contingents as those of Bithynia and Phrygia were called in. Thus it came about that since the nobles disdained military service, and the class of petty proprietors no longer existed to furnish recruits, as the government became more aristocratic, the army became less so. The two great institutions of Rome, the Senate and the army, which once formed a harmonious whole, gradually

assumed a character of opposition to one another, which was destined to end in actual strife; and thus the way was prepared for the advent of an *imperator*. It cannot be said that Marius was the author of all these changes; but he contributed largely to the more important of them by opening the military career to the proletariat and to the provincials.

Meantime the Cimbri still delayed their coming; and Marius, to familiarize his soldiers with the reforms in their armament and in the order of battle, employed them in short military expeditions which presented no serious dangers, sending them throughout the province, where their presence proved a restraint to the tribes which might otherwise have become disorderly. In this way Sylla, who had formerly been quaestor with Marius, and now held the position of his lieutenant, defeated in many skirmishes the great tribe of the Volcae Tectosages, and took prisoner their King, Copill.

The respite the barbarians allowed Marius had then been well employed, since in restoring discipline he had restored to his legions the certainty of success. A Greek writer goes so far as to say that he made a sanguinary offering to their superstitious temper. Warned by a dream, it is said that he sacrificed his daughter Calpurnia for the purpose of securing the favor of the gods.² Plutarch also mentions a prophetess, Martha, who followed him clad in a purple garment, and carrying in her hand a javelin adorned with fillets and garlands.

¹ La Chausse, *Recueil d'antiquités Romaines*, v. 5.

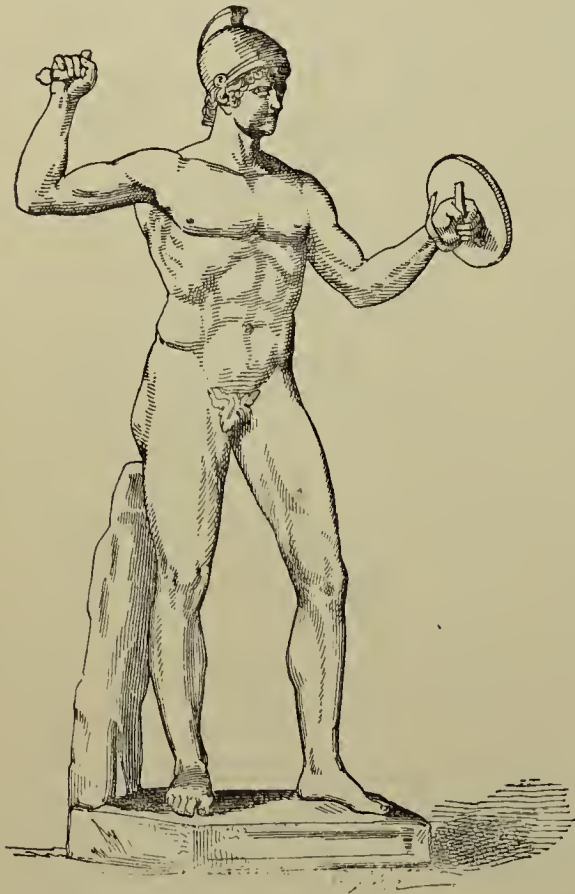
² Dorotheos, *ap. Script. Alex. M.*, p. 156, ed. Didot.

For three years affrighted Rome disregarded her laws, that she might retain in the consulship and in the military command the man who promised to save her. At the end of this time the barbarians returned from Spain with the intention of entering Italy at last. The Cimbri went to the left, turning the Alps in order to come down through the Tyrol into the valley of the Adige, while the Teutones advanced to meet Marius. The Roman general allowed them the passage of the Rhone. Relying upon his troops and upon the strong position which he held near the sea, near Massilia and the Roman fleet, he hoped to entrap the barbarians in the mountainous region through which they were about to march, to come upon them in some moment of carelessness, and destroy them with a single blow. Moreover, he was anxious to give his soldiers time to become familiar with the fierce aspect of these disorderly bands, and habituate them to regard the vast and noisy horde with composure. Vainly the Teutones multiplied insults to draw him out of his lines. One of their chiefs came even to the gates of the Roman camp and challenged Marius to single combat. But the general sent word that if the Teuton were weary of life he might hang himself; and on the barbarian's insisting further, he sent out a gladiator to him.² The Roman army were frenzied with impatience. "The important matter is," he said, "not to gain a victory, but to keep this black cloud from bursting upon Italy." The general took pains to be carefully informed of the enemy's designs; and Sertorius, who understood the Gallic language, penetrated their camp every day in disguise, in the quarter of the Ambrones. The Teutones strove to force the Roman camp; but after three ineffectual attempts decided to go on farther. Later, the story was told that for six whole days they defiled past the

PHRYGIAN ARCHER.¹¹ From a Greek marble.² Frontin., *Strateg.* iv. 7.

Roman camp in full sight of the soldiers, and were heard to taunt them, crying out: "We are going to see your wives; have you any message to send them?" Marius followed them by short marches, waiting for the favorable moment.¹

Near Aquae Sextiae the barbarians stopped; and Marius, regarding the place as suitable for a battle, came up with them, and took



THE SO-CALLED DRESDEN GLADIATOR.²

a position opposite upon a hill overlooking the valley of the Arc. There was no supply of water on the high ground; and when his soldiers complained, the Roman general pointed out to them the river on whose banks the Teutones were encamped. "We shall go in search of water there," he said; "but we must pay for it with our blood. We will begin with fortifying our camp." From their position the Romans could see the Ambrones dispersed over the plain, some seated and eating, others bathing in the Arc or in the warm springs; here a man combing his long hair, there one polishing his weapons; and farther back, behind the shelter of the

wagons, priestesses in white garments with an iron belt around the waist, who perhaps at the moment were occupied with their gloomy rites, cutting a captive's throat over the edge of a brass caldron, that they might read in the victim's blood the fate of the approaching battle.

Meantime the servants of the Roman army, having no water for themselves and their animals, were emboldened at the sight

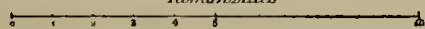
¹ It is not easy to see why he did not, however, by some sudden attack, seek to cut in two this immense and necessarily disordered line. Marius evidently had not the highest military talent, any more than he had the highest qualities of the statesman.

² Clarac, *Musée de sculpt.* pl. 865, No. 2,206.

of the disorder of the Ambrones, and came down in a crowd toward the river. The barbarians, believing themselves attacked, seized their arms and advanced, striking their bucklers with a rhythmic cadence, and keeping time to this fierce music as they marched. But in crossing the river they broke ranks; and had not had time to form again, when the Romans fell upon them from the heights above with such fury that they were compelled, after severe loss, to seek shelter behind the circle of wagons. There,



From Ordnance Map

Scale = 1:320,000
Roman MilesBATTLE-FIELD OF AQUAE SEXTIAE.¹

however, they encountered a new enemy, their women, who, frenzied with rage and grief, rushed out upon them, striking down fugitives and pursuers alike, or rushing in among the combatants, and, unarmed as they were, seeking to snatch from the legionaries their swords and shields. Day began to wane; the Teutones who had not fought were approaching; and the Romans did not pursue their success further.

During the engagement the same battle-cry, *Ambra! Ambra!*

¹ M. Ernest Desjardins is of opinion that the great massacre took place in the valley below the hills of Pourrières, and near the valley of that name, *Campi putridi*: that Marius encamped upon the hills on the north of the city; and that the ambush of Marcellus was in the forest of Pourcieux, near Mount Olympus or Regaignas. (*Géog. de la Gaule rom.*, vol. ii. p. 327.)

was heard on both sides ; it was the Ambrones shouting their own name, and the Italian Ligurians, auxiliaries of Rome, who replied with their ancient war-cry. The two tribes, probably of kindred origin, thus met after a separation of a thousand years.¹

At the close of the day the Romans returned to their position ; but great as had been the success, no songs of triumph resounded through the night in the camp, for the ramparts and the trenches were not yet completed, and a mighty host of barbarians who had not taken part in the day's action were in the immediate vicinity. All night long their threats and lamentations, like the howling of wild beasts, filled the air ; and the sinister sounds, echoing among the hills, filled the Romans with terror. Marius dreaded a night attack from the infuriated horde ; but happily they remained within their camp through that night and the following day, being occupied in making ready for the combat.

In the second battle, two days later, the barbarians repeated their imprudent attack upon the hill where Marius was posted, and to which he allured them by a pretence of flight on the part of the cavalry. Repulsed in this attempt, and followed in their retreat by the legions, then attacked from the rear by 3,000 picked men whom Marius had placed in ambush in the woods above their camp, they were unable to resist. The massacre was terrible, as in all these ancient battles, where men fought hand to hand, and where the defeated army might be completely destroyed by the victorious one. Plutarch relates that the fields were so enriched by the bodies of the slain that they became marvellously fruitful, and that the bones of the dead were in such abundance that the Massiliots employed them as building material for their vineyard-walls. The village of Pourrières, between Aix and Saint-Maximin, recalls yet in its name the *Campus putridus*, the Putrid Field, where this great slaughter took place.

Three thousand men were all who escaped, among them King Teutobokh and some other chiefs, who endeavored to make their way back to Germany. The Gauls, however, had suffered too much from this invasion not to revenge it, and they pursued the fugitives.

¹ According to Plutarch, the Ligurians called themselves Ambrones, which perhaps indicates kinship with the Umbrians. In Vol. I. p. 56, note 1, we have already referred to the uncertainty which exists in respect to the origin of the latter people.

Teutobokh was taken by the Sequani and delivered over to Marius; he was a warrior of colossal height, of whom it was said that he could leap across six horses placed abreast. Marius reserved him for his triumph, together with the best arms and



TROPHIES OF MARIUS (SO CALLED).¹

richest spoils, and made a heap of the rest of the booty to burn in honor of the gods. The army were assembled around the pile; Marius, clad in purple, his toga girt about him as for a

¹ See in the *Revue de numismatique* the paper by C. Lenormant, *Les trophées de Marius*, 1842. The author regards them as having made part of the Nymphaeum of Alexander Severus. It is evident, in any case, that, notwithstanding their name, they have nothing to do with Marius.

solemn sacrifice, was in the act of raising, with both hands, a lighted torch, when some of his friends were seen riding up at full speed; they brought him news that he had been elected consul for the fifth time. The army testified their joy by shouts and the clashing of their weapons, and the officers placed a laurel-wreath on the consul's head. After this brief delay he set fire to the pile; and amid the rejoicings of the soldiers the flames shot up toward the sky (102).

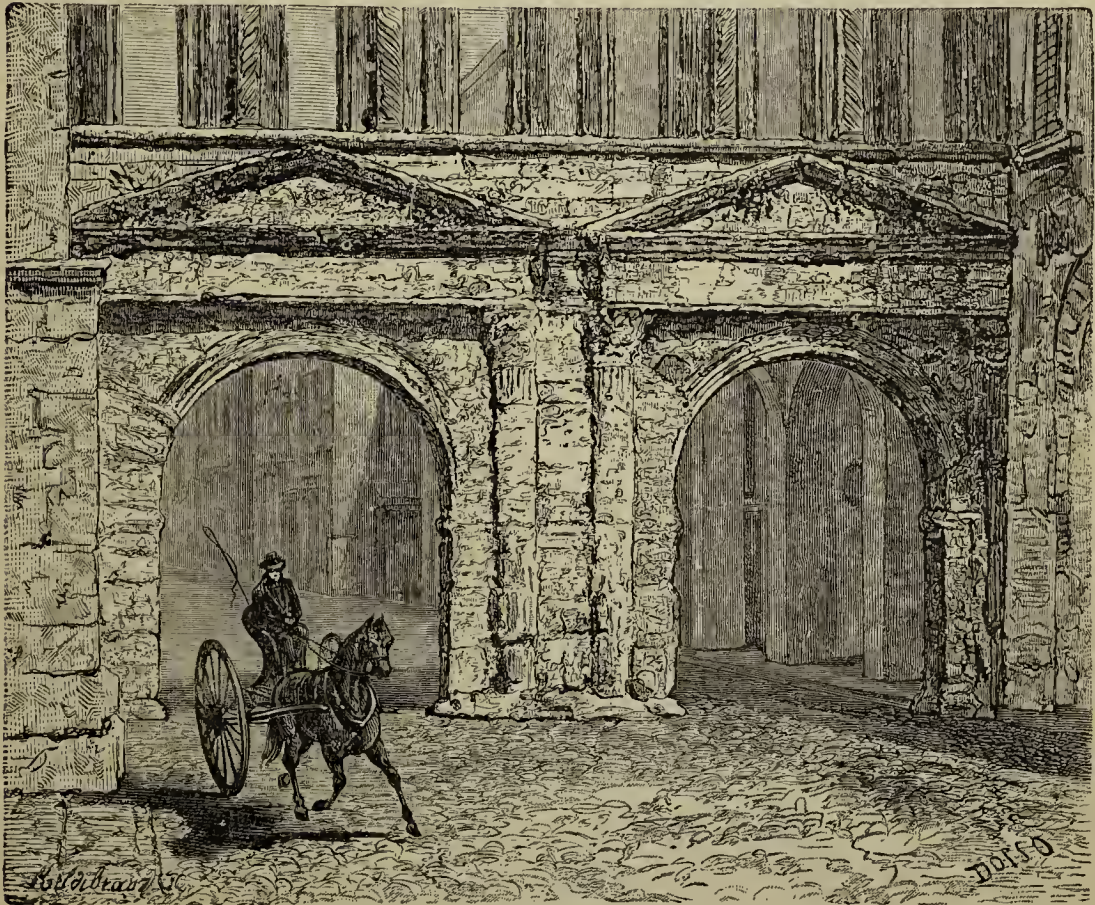
A pyramid, which was in existence until the fifteenth century, was erected at one end of the battle-field in memory of this victory. One of its bas-reliefs represented Marius raised upon a shield at the moment after the soldiers had proclaimed him *imperator*.¹

III. THE CIMBRI IN ITALY; BATTLE OF VERCELLAE (101).

THE war was not yet ended; for only the Teutones and Ambrones had been destroyed, while the Cimbri yet remained. Catulus, who had been despatched to guard the road leading over the Eastern Alps, had no need to go so far. News from the mountains announced that the enemy were on their way toward the Brenner pass, whence the valleys of the Eisack and the Adige lead down into Italy; and Catulus established himself upon the latter river, in the old Etruscan city of Tridentium (Trent), and, to bar the road, covered himself on both banks of the stream by strong entrenchments united by a bridge. At Trent the Adige is still a mountain torrent, and is not a serious obstacle to the passage of an army. The true point of defence is lower down, at Verona; but this was not known at that time. When the Cimbri arrived they found the Romans indisposed to issue from their camp; upon this, to insult the latter's cowardice and parade their own strength, the barbarians delighted to expose themselves naked to the winter's cold, and scaling the steep cliffs opposite the city, to slide down seated on their bucklers. They did not undertake

¹ Up to the time of the French Revolution the village of Pourrières preserved a representation of this monument in its armorial bearings. (Fauris de Saint-Vincent, in the *Magasin encyclopédique* of Millin, vol. iv. p. 314.)

to force the entrenchments of Catulus, but sought to destroy the bridge by casting whole trees into the river, whose shock might break the piles; and also they threw in huge rocks, as if to fill up the stream. After a few days the terrified legions compelled their general to quit the position. He abandoned in a little fort on the eastern bank of the Adige a few soldiers, who defended themselves with such courage that the Cimbri, after having compelled their surrender, permitted them to go out on

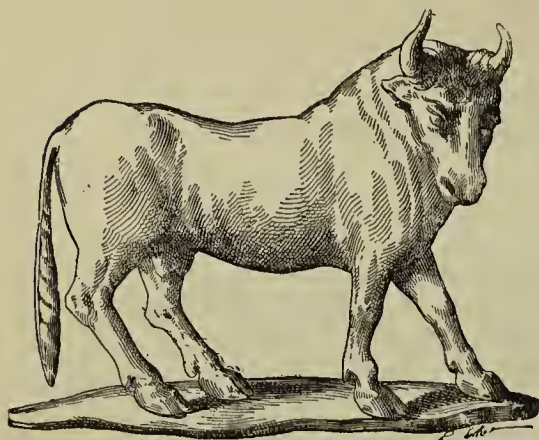


PORTA DE' BORSARI AT VERONA. (MAFFEI, VERONA ILLUSTRATA.)

honorable conditions, the barbarians swearing to the terms upon their brazen bull. This bull, taken after the battle, was carried to the house of Catulus as the first fruits of his victory.

The legions did not make a stand on the plateau of Rivoli, where they might have barred the outlet of the mountains, nor yet at Verona, where they would have commanded the passage of the Adige, now become an important river; but they kept on retreating until they had placed the River Po as a barrier between

themselves and the enemy. The country to the north of this river remained defenceless, and was horribly ravaged by the barbarians; and finding in these fertile lands provisions in abundance, they



BRAZEN BULL.¹

remained there awaiting the arrival of the Teutones, and giving themselves up to the enjoyment of their easy victory. Why should they hasten? Up to this moment they had been everywhere successful; and they had confidence that the sword would open to them the road to Rome as it had opened the road to so many other countries. Instead of pursuing Catulus, they passed

the winter and the summer of the year 102 in the Transpadana.

These events had caused the recall of Marius from Gaul. He came to Rome, refused the triumph offered him by the Senate, "to reassure the multitude by seeming to leave his fame as a deposit in the hands of the Fortune of Rome," and by a haughty address made in the Forum inspired courage in the minds of all. He then went north again to rejoin his army, which had now crossed the Alps, and to arrange with his colleague the plan of the approaching campaign. It was at this moment that Sylla, wounded by his arrogance, left him and accepted service with Catulus, by whom he was cordially welcomed. With the force of cavalry placed under his command Sylla was able to collect provisions and to keep the camp of Catulus well supplied until the end of the war, while that of Marius frequently suffered from want.

The Cimbri were still waiting for the Teutones to arrive, and would not believe the rumors that reached them of the defeat of their allies. They even sent deputies to Marius to ask for themselves and their brethren lands and houses in which they might establish themselves. "Do not be anxious about your brethren," the consul rejoined; "they have the land that we have given them, and will keep it for ever." At these words the barbarians broke out in threats and abusive language; the consul should be punished,

¹ Roux, *Herculanum et Pompéi*, vol. vi., 1st series, pl. 93.

they said, for his jesting language, first by the Cimbri, and later by the Teutones when they should arrive. "The Teutones have arrived," Marius said; "and it is not fitting that you should go away until you have saluted your brethren." And he caused Teutobokh and the other captives to be brought in, loaded with chains.

Upon report of this the Cimbri hesitated no longer. Boiorix, their king, approached the Roman camp accompanied by a few horsemen, and asked to have a day and hour fixed for the combat which should decide the possession of Italy. The consul replied that the Romans were not accustomed to consult with their enemies on these matters, but that he would deign to gratify the Cimbri on this point; and it was thereupon agreed that the battle should take place three days later in the plain of Vereellae. On the appointed day the Cimbri took up a position in the plain, forming a square whose sides measured 6,000 yards. Their cavalry, 15,000 in number, were splendidly adorned, their helmets surmounted by heads of wild beasts with gaping mouths, and above them great crests, like wings, adding to the height of the horsemen. They were protected by iron cuirasses and white shields, and had each two javelins to throw from a distance; while for the hand-to-hand fight they had long heavy swords.

When this great army of barbarians set itself in motion, it seemed, says Plutarch, like a furious ocean in high tide. But Marius, like Hannibal at Cannae, took advantage of the sun and of the wind. Beneath the trampling of the masses of cavalry and infantry that filled the plain such a cloud of dust arose that presently the Cimbri could not see before them; the wind blew it into their faces, the sun blazed full in their eyes; dripping with sweat and choked with dust, they covered their heads with their bucklers, and in so doing exposed their bodies to the enemy's weapons.

The bravest among the Cimbri, to make sure that their first ranks should not be broken, had bound themselves together by long iron chains attached to their belts. This device caused their destruction, the dead hampering the living. The Romans, attacking from a distance with the formidable *pilum*, made breaches in this line which they entered, and then slew at will. The first

ranks being exterminated, the others gave way; and the conquerors pursued the fugitives into their entrenchments. There horrible scenes took place, of which the Romans were mere spectators. The women, clad in black and standing upon the wagons, themselves slew the fugitives; they slaughtered their children, throwing them under the wheels or under the horses' feet, and finally killed themselves.¹ The men, for lack of trees to hang themselves, put slip-nooses around their necks, fastening the rope to the horns of oxen, and pricking the animals to make them run, perished, either being strangled or trodden under foot. Notwithstanding the great number of those who thus perished by their own hand, more than 60,000 were made prisoners, it is said, — twice that

BACCHUS IN INDIA.²

number being set down as slain (101). They were perhaps a million of human beings when, thirteen years before, they had left the Baltic shores; of this multitude there now were left but a few thousand captives, destined for the slave-markets of Italy.

The honors paid to Marius after this victory testified to the anxiety and alarm which had been felt at Rome. He was called the third Romulus, the new founder of Rome, Camillus having

¹ Florus (iii. 3) and Orosius (v. 16) assert that these women sent to beg the consuls that they should be received among the vestals; and on their refusal (*cum non impetrassent*), took their own lives. It is needless to say that this is simply legendary.

² Bas-relief of a sarcophagus from Zoega. (*Bassiril. ant.*) The expedition of Bacchus into India is famous among the ancients. He was there three years according to some accounts, and fifty-two according to others (Diod., iii. 63, vi. 3), and had to fight against mighty chiefs. But the Pans, Satyrs, and Bacchantes who accompanied him, and his own divine power, made him triumph over all adversaries. He civilized the country he had conquered, introduced into it the culture of the vine, founded cities, and gave laws to them. (Strab., xi. 505; Arrian, *Indica*, 5; Philostr., *Vita Apoll.* ii. 9.) These legends explain our bas-relief and the presence of the unwarlike troop that follows the god.

already received that appellation after his victory over the Gauls. Every citizen, on news of the triumph, poured libations in the conqueror's name. He himself fancied he had equalled the exploits of Bacchus in India, and would henceforward drink only from a cup similar to that given to Dionysos; he also caused to be carved on his shield the grimacing head of a barbarian; and Rome believed that she had stifled barbarism in his mighty arms.

¹Bust engraved on vitreous paste, found at Palestrina, bearing the legend, C. MARIUS VII. COS. (Visconti, *Icon. rom.*, vol. ii.)



MARIUS.¹

CHAPTER XLI.

SECOND REVOLT OF THE SLAVES, AND NEW DISTURBANCES IN ROME (103-91).

I. — INSURRECTION OF THE SLAVES IN ITALY AND SICILY (103-99).

THE Numidian and Cimbrian wars had been a sanguinary interlude in the drama of domestic strifes. The results of the two wars were momentous; Roman rule in Africa was consolidated by the former, and by the latter Italy was closed for three centuries against the barbarians. But there was much disgrace mingled with a little glory, and the glory belonged almost entirely to one man. The love of the soldiers and the people, the enforced respect of the nobles, a great reputation, and divine honors, were what Marius, five times consul, brought back to Rome. The Eternal City was saved from the Cimbri and Teutones; who would save the Republic from the factions that were beginning to revive? Had the great soldier, like his master, Scipio Africanus, the ideas and sentiments of a great citizen, or only the paltry ambition and envious hate of the upstart? Of this we shall soon be able to judge.



VENUS FOUND AT NUCERIA
(NOCERA DE' PAGANI).¹

What Rome had been before the time of the Gracchi, that she was twenty years after their time; only there was more misery, with less hope. The corruption which pervaded Roman society extended

¹ This charming statue is in the Museum at Naples. (Clarac, *Musée de sculpture*, pl. 632 G, No. 1,323 A.)

to the great political parties; instead of a legitimate and salutary struggle between two great divisions of the Roman people, we shall see henceforth only the bloody quarrels of a few powerful men who, like the Gallic Brenn, mete out justice at the point of the sword. What party—that is to say, what demands, and what views—will Marius represent until his death, and Sylla until his consulship? The history of the man who at this epoch endeavored to re-awaken the memory of the sons of Cornelia, Saturninus the tribune, for a moment a king in Rome, will serve to show this decadence in the internal life of the city. The grand scenes of the double tragedy of the Gracchi will be replaced by the brawls of a low party leader.

The tribuneship of Saturninus, like that of Tiberius Gracchus, was preceded by a revolt of the slaves. This time the signal went up from Central Italy; it was a presage of Spartacus. Conspiracies discovered at Nuceria and at Capua were baffled. A more dangerous outbreak was incited by Vettius, a Roman knight, who, overwhelmed with debts, armed his slaves and murdered his creditors. He assumed the diadem and the purple, surrounded himself with lictors, and called to him all the slaves of Campania. The praetor Lucullus arrived in all haste with ten thousand men. The rebel had already collected thirty-five hundred; but being betrayed by one of his own men, he killed himself, not to fall alive into the hands of the authorities (103).

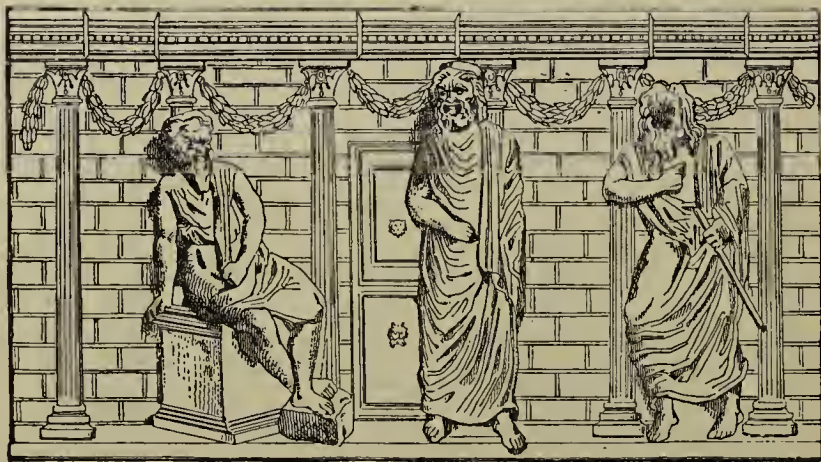
The disturbance was quelled in Campania; but it had already spread through Sicily, where the masters had quickly forgotten the enactments of Rupilius. Shortly before this time, upon the complaint of some Asiatic princes whose subjects had been kidnapped,



THE FETTERED RACE.¹

¹ Slave working in chains, from a gem. The galley-slaves of modern Italy still wear chains as represented here. The cut is believed to represent the enchained Saturn after he is dispossessed of his kingdom by his brother Titan. Slaves, on obtaining their liberty, consecrated to him their chains.

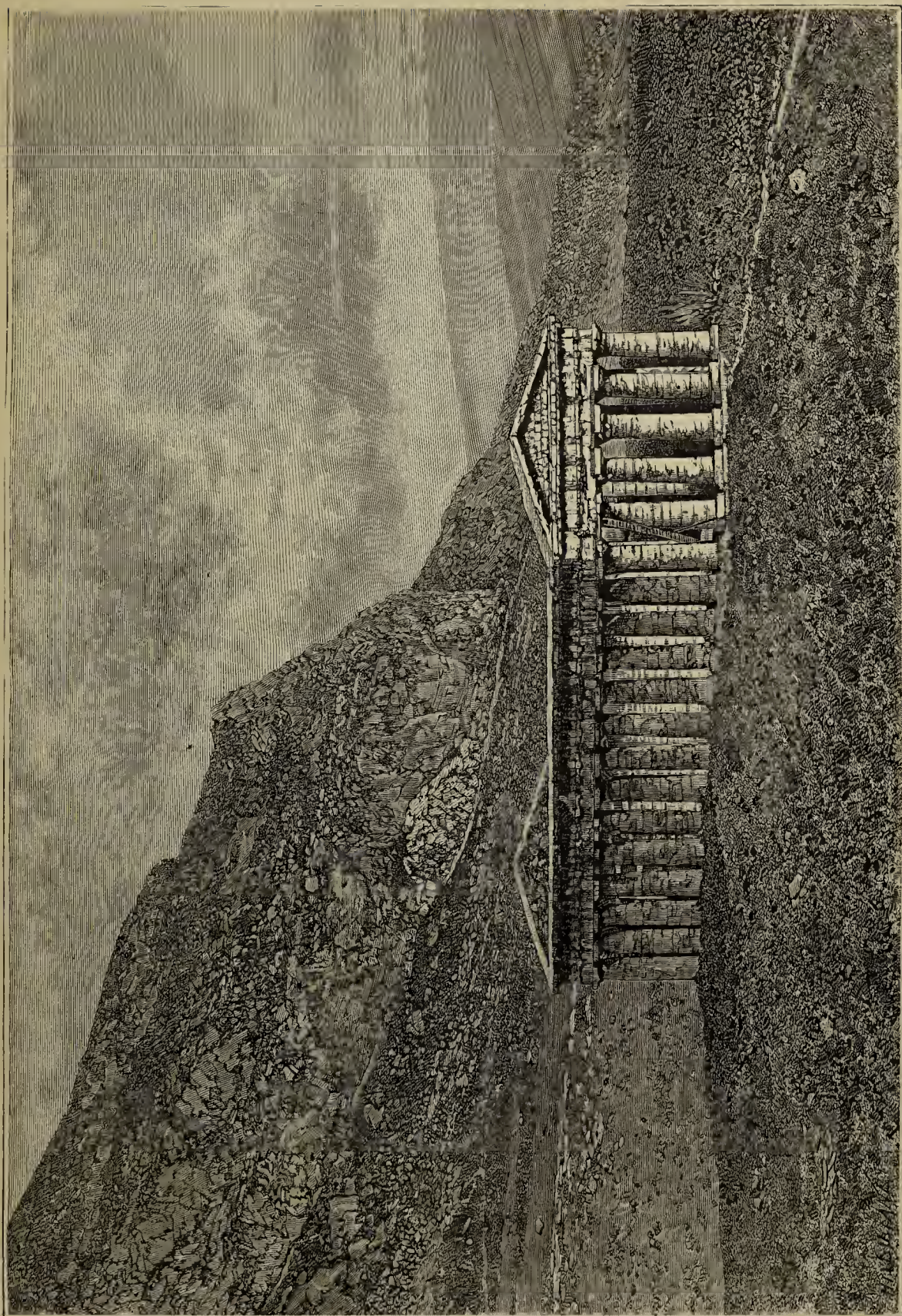
the Senate had ordered the praetor of Sicily to set at liberty all free-men who had been reduced to slavery by violence. In a few days more than eight hundred were freed; but the representations, or perhaps the bribes, of the masters put an end to the inquiry; the "tribunal of liberty" opened at Syracuse was closed, and "the fettered race," having no longer the hope of receiving justice, rose in revolt. A successful attempt, which delivered over to the slaves the arms of a part of the garrison of Enna, enabled them to organize as a military force. The most numerous band took as chief one Salvius, who had mustered twenty thousand foot-soldiers and two thousand horsemen, and very nearly took the fortress of Morgantia.



SLAVE TAKING REFUGE UPON AN ALTAR.¹ (STAGE SCENE.)

The slaves from the neighborhood of Segesta and Lilybaeum ranged themselves under the command of the Cilician Athenion, who gave out that he was an astrologer, as Salvius had claimed to be an aruspex. Athenion was a former chief of brigands whom the Romans had captured and sold. He was himself bold and skilful, and accepted only those men who were strong and well disciplined, obliging the others to work for him, and forbidding pillage in all cases; Messina, the most important city in the island to the Romans, was very near falling into his hands. It had been hoped that misunderstandings would arise between the two commanders; but Athenion recognized the authority of Salvius, "King Tryphon," who built himself a palace in the city of Triocala. The suspicions and ill-treatment of the new king did not shake the fidelity of

¹ Bas-relief in terra-cotta from the Campana Collection. The slave seems anxious to escape the pursuit of a man armed with a stick. Cf. Saglio, *Dict. des antiq. grecq. et rom.*, fig. 589.



TEMPLE OF SEGESTA (FROM A PHOTOGRAPH).

his lieutenant; and when Lucullus arrived from Italy with an army which, in spite of the Cimbrian war, the Senate had been able to collect, Athenion advised awaiting him in the plain and risking a battle. Sustained by their leader's courage, the slaves held firm; but on seeing him fall they fled, and took shelter at Triocala (102). After a few days' siege Lucullus retired; and upon learning that he had been superseded by Servilius, he freely granted to the soldiers discharges, and burned his stores. Accused at Rome of having sold himself to the slaves, he was punished by a fine, and went into exile.¹

Servilius was still less fortunate; shortly after the battle Salvius had died, and Athenion, who took his place, displayed an energy and ability with which the Roman leader was unable to cope. Rome avenged herself by condemning Servilius to exile, and submitted to the disgrace of sending the consular forces against these rebels. Manius Aquillius, worthy colleague of Marius, slew Athenion in single combat, dispersed his troops, and sent to Rome, to fight with wild beasts in the arena, all the prisoners that he had been able to secure. The slaves, however, deprived the people of their gratification by killing each other, the last survivor destroying himself. An enormous number of slaves had perished in these two wars.³ The most cruel regulations repressed them for the future; the possession of arms was forbidden under pain of death, even the spear with which the herdsmen were wont to defend themselves against wild beasts (102—99).



COIN OF MANIUS
AQUILLIUS.²

¹ Ἐΐτε διὰ ῥαστώνην, ἔΐτε διὰ δωροδοκίαν. (Diod., xxxvi. 8; Plut., *Lucull.* i.)

² MAN. AQVIL. MAN. F. MAN. N. SICIL. (*Manius Aquillius, Manii filius, Manii nepos, Sicilia*). Soldier raising a kneeling woman. Reverse of a silver coin of the Aquillian family.

³ Athenaeus says a million in the first war alone; but Diodorus estimates the whole number at this time in revolt at only two hundred thousand.

II. — THE TRIUMVIRATE OF MARIUS, GLAUCIA, AND SATURNINUS (100).

THE Servile war had, like the Cimbric and Numidian, fully exposed the incapacity and venality of the nobles; and this disgrace of the aristocracy had restored both voice and courage to the tribunes. Memmius and Mamilius had openly accused the guilty, and sought to re-organize the popular party, who, believing they had found a leader in Marius, raised him to the consulship. His successes, and the confidence reposed in him by the soldiers, who would have no other general, enabled him to retain this office for four years, in defiance of all law. In the interest of public safety the nobles had permitted this; now, however, under cover of his reputation and his services, the tribunes commenced anew the struggle against the Senate, supported by the knights, who were incensed at the loss of half of the *judicia*.

The defeat at Orange and Caepio's extortions served as a pretext. As soon as the news of his defeat reached Rome it was proposed in the popular assembly to deprive him of the *imperium*, to declare him incapable of again holding office, and to confiscate his property. The Senate defended the man who had restored to it a share of the judicial authority; but the tribune Norbanus drove the nobles from the comitium, and with them the two tribunes who had opposed the measure. This tumult became so great that the prince of the Senate, Aemilius Scaurus, was wounded in the head by a stone. Caepio was deprived of his office and thrown into prison, and a friendly tribune who had liberated him was, it is said, sent with him into exile. According to other accounts the consul was strangled in his cell, and his body exposed on the Gemonian steps. He left two daughters, who disgraced themselves by their conduct; and this ruin and dishonor of a family once illustrious appeared like a vengeance of the Gallic gods, whose treasures Caepio had plundered. Hence the proverb arose, "He has Tolosan gold," — applied to one whom a long series of misfortunes has seemed to brand as hated by the gods.¹

¹ Cic., *de Off.* ii. 21; Cic., *pro Balbo*, 11; *Brut.* 44; Aulus Gellius, *Noct. Att.* iii. 9; Livy, *Epit.* lxxvii.

This deposition of a magistrate in face of the veto of two tribunes was an open violation of law; but no one noticed it, for the old constitution of Rome was going to pieces.

In the year 104 a measure, brought forward by the tribune Domitius, transferred to the people the election of the pontiffs, — a right hitherto exercised by the college itself. Thus again a privilege was taken from the aristocracy and conferred upon a venal assembly, — venal, as we shall see, when Julius Caesar, by buying from the comitia the office of pontifex maximus, opened his way to the higher offices. In 103 Marcius Philippus proposed an agrarian law; and in his speech advocating the measure occur the terrible words we have already quoted: “In the entire Republic there are not two thousand landowners.”¹ The proposal was defeated; but the colleague of Philippus, Servilius Glaucia, to buy the support of the equestrian order, now deprived the senators of the *judicia* which had been given them by Caepio. Glaucia, seeking also to gain the allies, made two concessions to them: the first giving citizenship to any Italian who should succeed in convicting a magistrate of extortion; the second² increasing the severity of the Calpurnian law *de pecuniis repetundis* by making the restitution twofold. Thus the tribuneship once more became aggressive, the blood of the Gracchi having restored to it, as it were, its early democratic energy.

Such was the situation in Rome when Marius returned from Cisalpine Gaul. Until now he had been consul in camps only; and he aspired to fill that office in Rome for another year, under the eyes of the aristocratic party who had so long scorned him.

¹ Cic., *de Off.* ii. 21.

² Cic., *pro Balbo*, 24. The date of this Servilian law is uncertain, but must fall between 106 and 101. Walter (*Gesch. des röm. Rechts*, ii. 439) says: “About the year 650,” that is, 104 B. C. Cicero speaks of the Latins only and of the free cities: “*Latinis, id est, foederatis.*” Klenze, the able editor of the Servilian law, thinks that its privileges were granted to all the provincials: “It was at the same time a splendid indemnity for the perils and fatigues of making an accusation, and a sure protection against the vengeance of the next appointed incumbent of the same office, who would doubtless wish to avenge the harm done to his predecessor, and prevent by terror even the most legitimate complaints in the future.” (Laboulaye, *Essai sur les lois criminelles des Romains*, p. 241.) Madvig and Huschke do not admit the provincials to the benefits of the Servilian law; and I should be of their opinion were it not that, in section xxiv., the text speaks in general terms of those who *cives Romani non erunt*. It was the provincials, and not the Latins, who suffered most from extortion; they it was who chiefly had motives for bringing accusations, and means for proving their charges.

But the nobles were of opinion that this peasant of Arpinum had had honors enough ; and when he sought for a sixth consulate they opposed to him his personal enemy Metellus ; and, to succeed, Marius was forced to resort in his canvass to the use of gold.¹ This he never forgave ; and thenceforward he plunged into a career of base and tortuous intrigue. Calm in battle, and facing death with composure, Marius lost confidence in the presence of the popular assembly ; there the meanest demagogue was bolder than this great captain. But to succeed in the city a man must be able to control the masses ; Marius, therefore, sought out some one to speak for him.

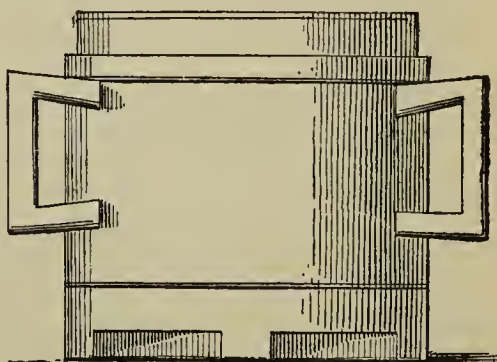
There was living at this time in Rome a person soon to be counted among the worst of her citizens, L. Apuleius Saturninus, an accomplished orator, whom a public disgrace had thrown, without any true sympathy, but with much ambition and spite, into the popular party. As quaestor over the department of Ostia, that is to say, intrusted with the duty of providing for the prompt transportation of corn to Rome, he had been so negligent during a famine that the Senate had replaced him by M. Scaurus (104). In the year 102 his tirades against the nobles had given him the tribuneship. At that time Metellus Numidicus held the office of censor ; and, for the purpose of avenging the aristocratic party, he made an attempt to expel from the Senate Saturninus, and with him Glaucia, that tribune who, when Marius was filling his legions with Italians, had proposed to bestow upon them the right of citizenship. The two, however, stirred up the populace and pursued the censor as far as the Capitol, where they would have murdered him, had not some of the knights interposed and rescued him from their hands. Again blood had been shed in Rome, and the occurrence was, unhappily, no longer a novelty.

A common enmity toward Metellus had naturally brought Glaucia and his accomplice into relations with Marius, to whom Saturninus had already been useful in the year 102, when Marius was a candidate for his fourth consulship. Saturninus, therefore, was the person whom Marius fixed upon ; and he began by inciting the former to ask for a second tribuneship, promising him the votes

¹ Plut., *Mar.* 28, and Livy, *Epit.* lxix. : *per tribus sparsa pecunia.*

of his veterans. The scheme was unsuccessful. At the election, Nonius, a partisan of the nobles, was about to obtain the office, when Saturninus, aided by Glaucia with a band of determined men, fell upon Nonius and assassinated him. On the following day, early in the morning, the murderers collected and proclaimed Saturninus.¹ Marius also obtained his sixth consulship, and Glaucia was made praetor. The three accomplices thus placed themselves at the head of the government; and their administration may be called the first of the Roman triumvirates.

Saturninus immediately began hostilities, availing himself of that official power which lent itself so readily to abuse. He revived the law of Caius Gracchus for distributions of corn to the people, still further reducing its price, which he fixed at $\frac{5}{6}$ of an *as* per modium. The Senate opposed, as one man, this dangerous measure, as its direct result would be to increase the proletariat, that scourge of Rome. But the tribune, instead of yielding, was only the more aggressive. He proposed, first, a distribution among the poor citizens belonging to the rustic tribes of all the lands in Cisalpine Gaul formerly occupied by the Cimbri, — an unjust measure, which would have involved the dispossession of the original holders; secondly, the gift of one hundred acres apiece in Africa to the veterans of Marius; thirdly, the purchase of lands in Sicily, Achaea, and Macedon for the founding of Roman colonies; and, lastly, to authorize Marius to confer citizenship on three individuals in each colony.³ It may have been at this time that Glaucia obtained the passage of the law which we have just mentioned in favor of allies or subjects who might have procured the conviction of a magistrate guilty of extortion. Whether this

MODIUS.²

¹ Diod., xxxvi. 12; Cic., *pro Sext.* 17; Livy, *Epit.* lxix.; App. *Bell. civ.* i. 28; Plut., *Mar.* 29.

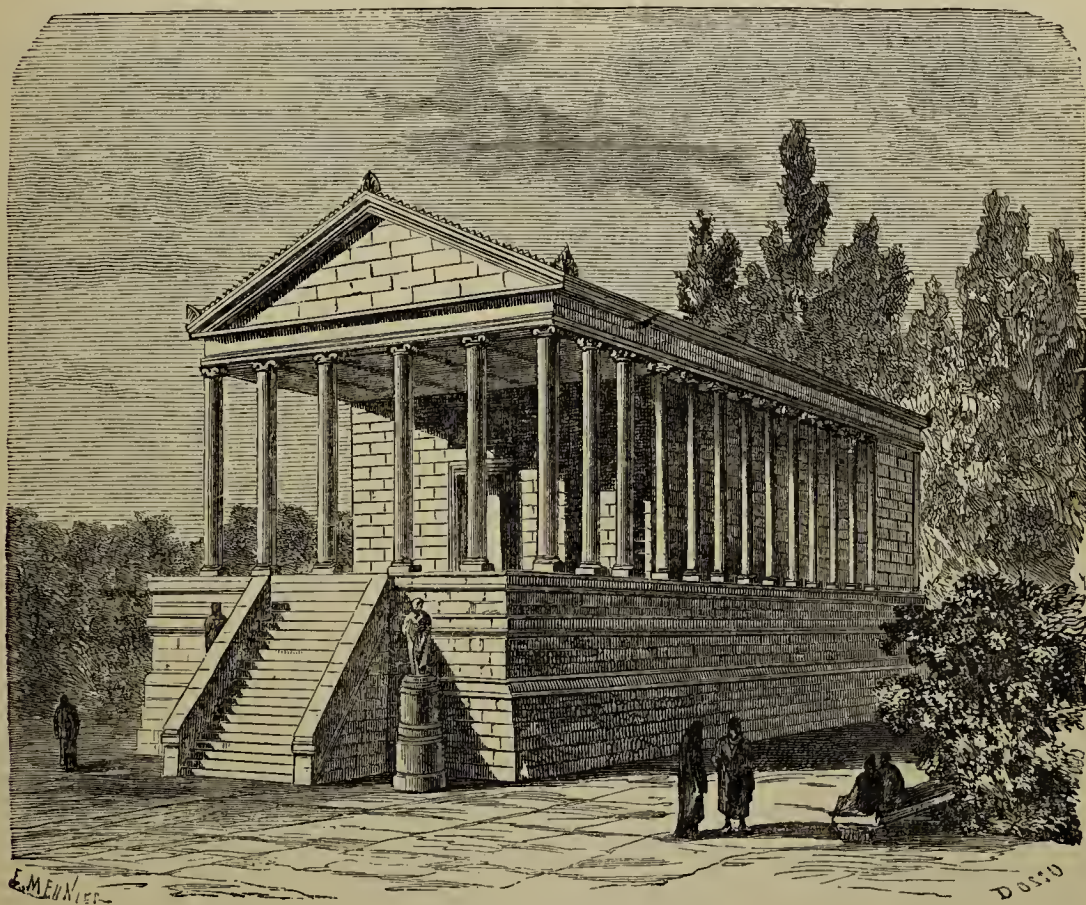
² From a terra-cotta lamp. The modius, the largest dry measure of the Romans, was a third of an amphora and a sixth of the Greek medimnus; it held nearly two gallons.

³ Cic., *pro Balbo*, 21. In this passage the word *ternos* seems to be an error in the manuscript. The right of conferring citizenship on three persons in each colony would have been alike valueless to Marius and to the allies.

be its date or not, it is clear that the idea of making reparation to those who were not protected by the title of Roman citizen constantly recurs,—a certain proof of the necessity for justice in the matter of these well-founded complaints.

An additional clause was added by Saturninus, making it incumbent on the senators, if the law should pass, to swear within five days that they would maintain it, under a fine of twenty talents for refusal. This unusual provision, afterward employed by Julius Caesar, was specially aimed against Metellus. On the day of voting a serious riot broke out in the Forum. As in the time of Tiberius Gracchus, many among the populace were not desirous of a law solely for the benefit of the rustic tribes and those of the allies who had been enrolled by Marius. A tribune was prevailed upon to oppose the measure; but Saturninus disregarded the opposition. The gods were made to remonstrate. "It has thundered!" the senators sent word. "Let them beware!" rejoined Saturninus; "after the thunder there may be hail!" The quaestor Caepio, who probably was the son of the proconsul recently disgraced, finally had recourse to the method now become habitual; with the aid of an armed band he broke the urns and scattered the votes. But the veterans of Marius gathered, drove the nobles out of the Forum, and the law was passed. Upon this Marius immediately assembled the Senate, sharply censured the law, and pledged himself to refuse the oath. When, however, five days later, the senators were called upon to present themselves in the temple of Saturn and have their oaths registered by the quaestor, the consul was the first to obey, under the pretext that the act was necessary in order to prevent an outbreak among the rustic tribes, but asserting that this concession, obtained by violence and impiety, might at any time be declared invalid. The other senators followed his example, Metellus alone remaining faithful to the previous agreement, that the oath should be refused. This conduct of Metellus had been anticipated, and Saturninus immediately demanded the fine. Metellus either could not or would not pay it; and when a crowd of his friends prepared to take arms in his defence, he objected, saying that not one drop of blood should be shed on his account; and he withdrew from the city. Whereupon a decree of the people condemned him to exile.

Marius had obtained the gratification of his ambition and of his hate; his enemy, Numidicus, fled before him; the populace still applauded him; his veterans gave him a blind devotion; the inefficiency of his colleague gave him the entire consular authority; Saturninus gave him that of the tribuneship, and Glaucia of the praetorship. His power, therefore, was absolute; and what did he do with it? Here his political incapacity was revealed.¹



TEMPLE OF SATURN.²

He had no projects, he set on foot no reforms, he took no initiative; but he left Saturninus and Glaucia so free to act that they soon took the lead, and he remained himself in doubt whether he was for the Senate and the nobles, whom he did not love, or for the people, whom he despised. In character an aristocrat, he

¹ *C. Marius homo variū et mutabilis ingenii consilii que semper secundum fortunam.* (Livy, *Epit.* lxii.)

² Restoration by M. Dutert, of the *École des Beaux-Arts*.

was by habit and position a democrat; and he remained inactive between the two factions, seeking to deceive both, and in this double game losing his own honor and the respect of his fellow-citizens. This selfish policy bore its fruits; the day came when the conqueror of Jugurtha and of the Cimbri found himself alone, abandoned by all, in the same city which had once resounded with the noise of his triumphs.

Saturninus had been at first only an instrument; the weakness of Marius soon emboldened him to work for his own interests. His designs have never been clearly understood; perhaps he had none. His policy, it is certain, was shaped from day to day, like that of his former patron. He was constantly surrounded by foreigners and Italians; and on one occasion they were heard to salute him by the title of king.¹ In his public harangues he constantly inveighed against the venality of the nobles; and to accredit his denunciations he publicly insulted the envoys of Mithridates, at the risk of bringing on a formidable war, accusing them of buying the senators with gifts of money. He also evoked the memory of the Gracchi, presenting to the people a pretended son of Tiberius, who had been, he said, brought up in concealment since his father's murder. The widow of Scipio Aemilianus appeared publicly in the Forum and denied the claims of this stranger who was asserted to be her nephew. The populace, however, refused to accept this decisive testimony, and the adventurer, who was, in truth, a runaway slave, was elected tribune.²



COIN OF LUCIUS
APULEIUS SA-
TURNINUS.³

Saturninus desired to obtain a re-election himself, and to have Glaucia, who was always involved in his plans, raised to the consular office. He succeeded for himself; but the great orator, Marcus Antonius, obtained one consulship, and Memmius, also a distinguished man, the tribune of the year 111, would have obtained the other, had not the band of Saturninus rushed upon him in the Forum and beaten him to death.

This outrage roused the whole city; and the wealthy class,

¹ Flor., iii. 16.

² *Ille ex compedibus atque ergastulo Gracchus.* (Cic., *pro Rabirio*, 7.)

³ L. SATVRN. (Lucius Saturninus), an M, a monetary symbol, and Saturn in a quadriga, holding a sickle. Reverse of a denarius of the Apuleian family, attributed to Lucius Apuleius Saturninus.

terrified at the acts of violence which the demagogue had incited, gathered around the Senate, urging Marius to act with severity against the guilty persons. It is said that while the senatorial chiefs were assembled at his house, Saturninus came thither also; and that the consul, going from one room to the other under divers pretexts, listened to the complaints of both parties at once, temporizing with both.¹ This story is very probably fictitious; but the consul's double-dealing cannot be denied.

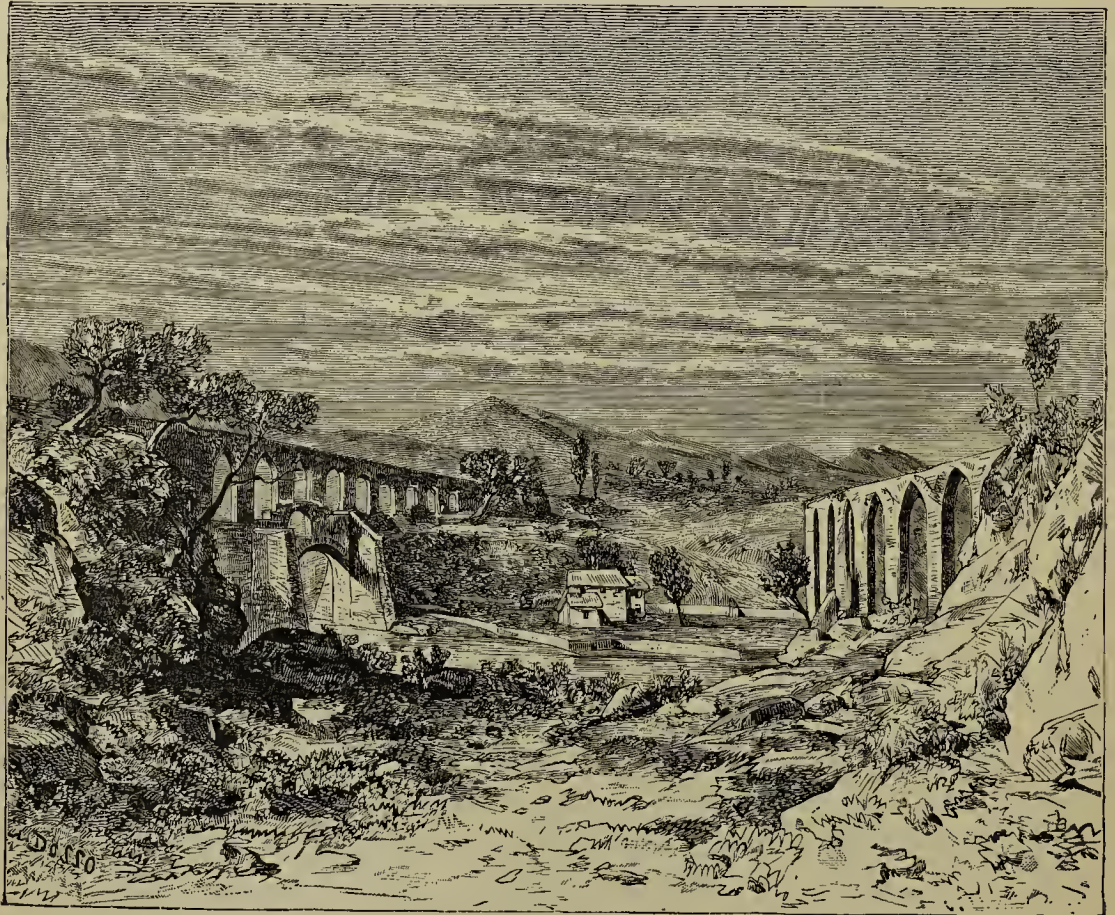
An act of baseness on his part soon after may be regarded as an attempt to regain public confidence. During the night of the 10th of December, the day on which the tribunes entered upon the duties of their office, Glaucia, Saturninus, the false Gracchus, and Saufeius, the quaestor, seized the Capitol. Upon this the Senate uttered its formula, *Caveant consules*. The nobles armed themselves, and even the aged ex-consul Scaevola was seen, "a virile soul in a decayed body," supporting his feeble steps with a javelin, and marching to defend the laws. Marius, borne along by the general excitement, joined in besieging his late accomplices; and to get the better of them without fighting, he cut off the water-supply of the Capitol. The conspirators, relying upon his protection, surrendered, and were by his orders confined in the senate-house. It is possible he may have hoped to save their lives; but if it were so, his intention was defeated. Some of the crowd climbed upon the roof of the building, and tearing off the tiles, pelted to death the two tribunes, the quaestor, and Glaucia, all still wearing their insignia of office. As usual, this first shedding of blood was quickly followed by more, and many persons were slain. Whether aristocratic or popular, a party that has once tasted blood craves for it. A Roman senator, Rabirius (100), took the place of public executioner, cutting off the head of Saturninus, and bearing it through the city upon the point of a pike. The exploit brought him much honor at the time; but, thirty-seven years later, it caused him to be summoned before a tribunal by a partisan of Julius Caesar, Labienus, whose uncle had perished on this day.

With a party consisting only of the proletariat,—those ignorant and miserable masses, in whose souls are forever fermenting

¹ Plut., *Marius*, 32.

implacable hates and burning lusts and blind frenzies,—a leader can destroy, but he can never build up. This Saturninus experienced, finding the same end as Sulpicius, Cinna, Clodius, and so many other demagogues in all ages and all lands. By this catastrophe Marius himself lost, and justly, whatever popularity remained to him.

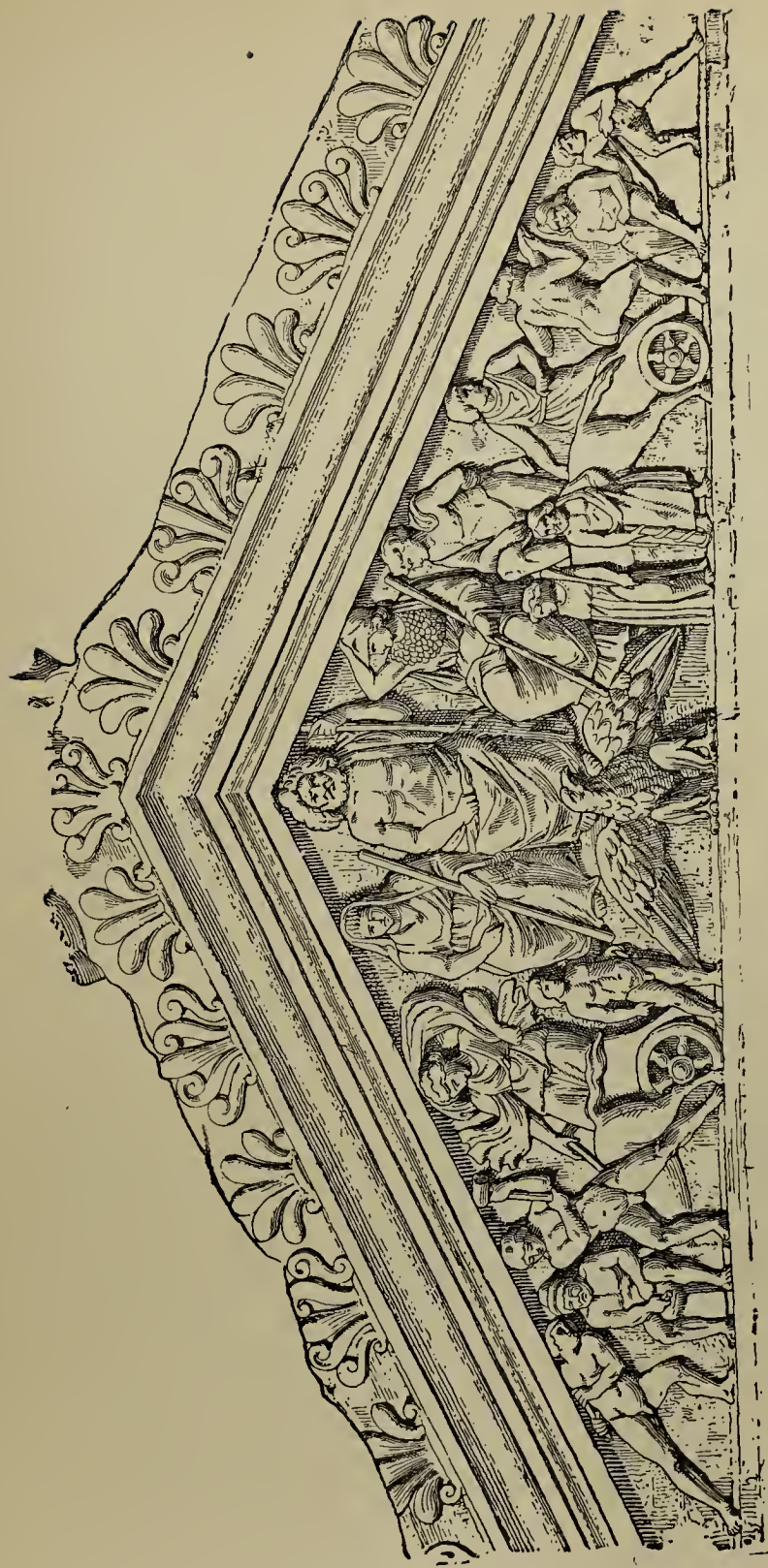
He strove in vain to arrest the reactionary movement. Instigated by him, Furius, the son of a freedman who had, notwith-



AQUEDUCT NEAR SMYRNA.¹

standing his ignoble birth, attained the tribuneship, opposed his veto to the return of Metellus, which had been proposed. Upon the expiration of his office he was arraigned and torn in pieces by a hired mob, who would not even allow him to make his defence. “Thus,” says Appian, “each time the comitia met, the assembly was stained with blood.” A man who talked of an agrarian law, and who kept in his house a portrait of Saturninus,

¹ De Laborde, *Voyage en Asie mineure*, pl. 66A.



PEDIMENT OF THE CAPITOL.¹

¹ A bas-relief from the Palace of the Conservators (at Rome), representing a sacrifice offered by Marcus Aurelius, shows on its background a pediment, which, according to Brunn, is that of the fourth temple of Jupiter Capitolinus. (*Annales de l'Institut archéologique*, 1851, p. 289.) [We give the design of the pediment.]

was banished; the same penalty was decreed in the case of Decianus, who had deplored the murder of the accomplice of Marius.¹ The knights, in the exercise of their judicial functions, avenged themselves for the terror which the poorer class had caused, not merely to the Senate, but to all men of property. At last, conquered by the

tears and prayers of the younger Metellus, who that day gained the surname of *Pius*, the people pronounced sentence of recall in the case of Numidicus. He was at Smyrna, and in the theatre, when the messengers arrived; and he waited calmly till the performance was over before he opened the letters which had been brought him. An immense crowd welcomed his return to Rome, giving him almost a triumphal entry into the city (99). Marius was unwilling to witness the return of his rival; and making pretext of sacrifices vowed to Cybele, set off for Asia. He also cherished

the hope of bringing about the rupture between Mithridates and the Republic which Saturninus had provoked by his insults to the



MARS AND VENUS.²

¹ Appian, *Bell. civ.* i. 33; Cic., *de Orat.* ii. 11, *de Leg.* ii. 12, *pro Rabirio*, 9.

² Museum of the Capitol. (Clarac, *Mus.* pl. 634, No. 1,428.) This group, in Pentelic marble, was found in 1750 near Ostia, in the *Isola sacra*. Venus wears the Latin diadem, the tunic, and the pallium.

envoys. Marius had need of a war to recover his importance (98). He said of himself, "They regard me as a sword, which rusts in time of peace."¹

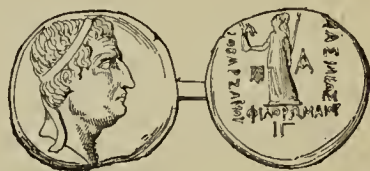
There was now for some time a semblance of repose. The death of Saturninus, and Marius' voluntary exile, served as a warning to those whom ambition tempted to the career of demagogues. For six years the tribunes had been supreme; never had so many popular laws been passed in so short a time; and still the people did not awake from their apathetic indifference. It was plain that the popular party had ceased to exist, and that the tribunate of Saturninus was the last serious attempt that would ever be made to reconstruct it. His laws were now repealed, his colonies reduced to one feeble settlement in Corsica; and of these famous tribuneships there was left only a stain of blood on the floor of the Curia Hostilia, the ruin of a great reputation, and the well-established certainty that nothing could be done with the Roman rabble. From this time forward, instead of plebeians there were soldiers, instead of tribunes there were generals, and civil wars instead of riots in the Forum. Mars, in the depths of his sanctuary, might well shake his spear.²

For the moment the aristocratic party seemed again victorious. At home, all the efforts of the popular faction had failed. In order to prevent the tribunes from obtaining advantages from enactments whose import was not thoroughly understood, a consular law in 98, the *Caecilia-Didia*, revived the provision that laws must be announced three *nundinae* before they were voted upon; at the same time it was forbidden (by the *lex Satura*) that any law should be proposed of which the clauses referred to matters essentially different, as had been done by Saturninus, and earlier by Licinius Stolo in 367. It is probable that the reaction went even farther than existing documents prove. The closing of the schools

¹ Plut., *Mar.* 33.

² Aulus Gellius (*Noct. Att.* iv. 6) has preserved the following senatus-consultum of the year 99: "Julius, son of Lucius, the pontifex maximus, having made known that the spears of Mars in the sanctuary of the *regia* had been shaken without human agency, it was decreed by the Senate that the consul M. Antonius should appease Jupiter and Mars by the offering of great sacrifices; that he should also sacrifice to whatever other divinities he might deem it needful to conciliate; that whatever he should do should be approved; and that if it should be deemed indispensable to multiply the number of victims, offerings should be made to the god Robigus." This divinity was the protector of harvests.

by the censor Crassus, a great orator, who made it his boast that he was in no way indebted to Greek influence, indicates that the old Roman party was more resolute than ever in opposing all innovations. Men were beginning to understand that those who have charge of the education of the young hold the future in their hands; and Crassus refused to allow the future to be intrusted to those Greek rhetoricians who had destroyed the Latin schools, and were giving to the Roman youth ideas that their fathers had not known.¹

ARIOBARZANES.²

In foreign affairs the resolute and efficient policy of the Senate inspired respect and compelled general obedience. In the year 92 Sylla re-established Ariobarzanes on the throne of Cappadocia, and received an embassy from the King of the Parthians with the same haughtiness that Marius had shown at the court of Mithridates. "Prince," he said, "either endeavor to become more powerful than the Romans, or else obey them without murmuring."

III. — TRIBUNESHIP OF LIVIUS DRUSUS (91).

THUS at home and abroad the horizon seemed clearer. Livius Drusus, a man of noble rank, judged it a favorable time to bring forward again, together with other ideas, the project of the Gracchi to reform the constitution. He was a son of that Drusus whose efforts against Caius Gracchus had been rewarded by the title of *princeps Senatus*, while his popular laws had given him the name of the people's friend. By birth and position Livius Drusus was a

¹ Aulus Gellius (*Noct. Att.* xv. 11): "It has been reported to us that certain men are establishing a new kind of instruction, and that our youth frequent their schools. We are informed that these men assume the title of Latin rhetoricians, and that the youth, going daily to their houses, remain there in idleness the entire day. Our ancestors decided in respect to the schools their sons should attend and the lessons they should learn. These innovations, contrary to the customs and usages of our ancestors, displease us, and seem to us not good. We have therefore felt it our duty to make known our opinion on this matter to teachers and pupils. It displeases us." The censors, not having the imperium, uttered no commands; but the words *nobis non placere* had the weight of an authoritative censure and a condemnation to which the praetor or the aediles would give effect.

² Diademed head of Ariobarzanes. On the reverse, ΒΑΣΙΛΕΥΣ ΑΡΙΟΒΑΡΖΑΝΟΥ ΦΙΛΟΠΩΜΑΙΟΥ ΙΓ' (13), and two monograms. Pallas standing, holding a Victory. Silver coin of Ariobarzanes, struck in the thirteenth year of his reign.

conservative, but one of those conservatives who believe that the best way to protect established institutions is not to raise too high the dikes which great inundations are sure in the end to sweep away, but rather, by reducing them on occasion, to avoid violent catastrophes. It was, therefore, by no means from hatred to the aristocratic party that he proposed his reforms; his enlight-

ened mind looked beyond the interests of any one class. He endeavored to solve the twofold problem which had for forty years agitated the contending parties in Rome, namely, to reconcile the Senate and the people, and to transform the municipal institutions of the city into the constitution of an empire, now that the masters of a city and its suburbs had become masters of the world. For the colossal destiny of the republic, a broad and deep foundation was needed; and since this change was imper-



TERRA-COTTA FIGURINE FROM THE CYRENAICA.¹

actively called for by circumstances, the man who endeavored to bring it about must be regarded as a clear-sighted patriot.

The Gracchi had been reproached with giving two heads to the state, by conferring upon the equestrian order the entire judicial authority, — an authority which they had lately disgraced by their condemnation of the upright Rutilius. Drusus, being elected

¹ Aphrodite and Eros. (Heuzey, *Les figurines de terre cuite du Musée du Louvre*, pl. xli. fig. 1.)

tribune in 91, abandoned this arrangement.¹ For the purpose of strengthening the aristocracy, — the conservative element, that is to say, — Drusus proposed to restore the judicial authority to the senators; and he set on foot an investigation in respect to venality.² At the same time he proposed the admission into the Senate of three hundred persons of the equestrian order. For the purpose of raising the democracy, the element of strength, and in the hope of relieving the destitution of the lower classes, he proposed distributions of corn, and also promised them lands in Italy and Sicily; while to the allies he wished to give citizenship. “Let us bestow everything,” he said to his friends among the aristocracy, “that there may be nothing left which can be divided save air and earth, *coenum et coelum*.³ Then there will be no more chance for demagogues to stir up the people with promises.” Wherein, however, Drusus deceived himself; for demagogues are always ready with promises, and the multitude have always faith enough to believe them.

Following the example of Licinius Stolo, the tribune incorporated all these provisions, except the citizenship of the allies, into a single bill. This was contrary to the law passed a few years before, forbidding heterogeneous proposals (*per saturam*); it was, however, a secure method to obtain the success of the measure, since it pleased the majority of voters, who cared nothing for politics, and were only eager to secure the increased distribution of corn. Each of his laws, indeed, offended a section of the nation: the Senate, who were unwilling to receive the three hundred knights into their number; the knights, whom nothing could compensate for the loss of the *judicia*; and the poor, who cared neither

¹ These incessant changes in the Roman judiciary prove that justice had become a sovereign injustice in the republic, since it was only necessary for a class to gain possession of the judicial functions in order to become supreme in the state.

² App., *Bell. civ.* i. 35. According to Livy (*Epit.* lxx.), it was his plan to compose the tribunals of both senators and knights in equal numbers, which was fundamentally the same thing.

³ Flor., iii. 17, and *De Vir. ill.* 66. But so much extravagance exhausted the treasury, and Drusus was driven to the expedient of debasing the currency. Accepting the common theory of his time, that the state was able to give by its stamp what value it pleased, Drusus established the rule of coinage that out of every eight denarii minted, one should be of silvered bronze. (Pliny, *Hist. Nat.* xxxiii. 18.) Nor should we blame him too severely for this; the theory that money need not have a real value corresponding to that which is given it as a circulating medium lasted long in Europe, and as late as the fourteenth century France made bitter experience of its fallacy.

for changes in the constitution, nor for the establishment of colonies, which meant the obligation to work for their living. And it was clear to all that Drusus aimed still further at the elevation of the subjects to equality with their masters; while among the allies themselves much anxiety was felt about the colonies promised to the Roman poor, which could be founded only at their expense. The great Etruscan and Umbrian landowners, especially,¹ cared far less for the citizenship offered them than for the territory of which they might be deprived. The other Italians,



JUPITER CAPI-
TOLINUS.²

however, attached themselves to Drusus as their last hope, and crowded about him. Secret meetings were held, and a plan of action determined upon. In short, it was really a conspiracy, not very consistent with that house of glass in which Drusus had once expressed himself as willing to live under the eyes of his fellow-citizens. His care for his own interests appears in the oath which each conspirator was required to take: ³ "By Jupiter Capitolinus, by the Roman penates, by Hercules, by the sun and the earth, . . . by the demigods who founded the Roman state, by the heroes who built it up, I swear that I will have the same friends and foes with Drusus, that I will spare neither substance nor parent nor child, nor life of any so it be not for the good of Drusus and of those who have taken this oath; that if by the laws of Drusus I become a citizen, I will hold Rome as my country and Drusus as my greatest benefactor." During an illness of the tribune the devotion of the allies was unmistakable, all the Italian cities offering solemn prayers for his recovery, as if on him alone depended their welfare.

We can hardly believe that the formula of the oath given above was a forgery prepared by the adversaries of Drusus to ruin him in his lifetime or to dishonor him after his death; but, on the other hand, we are not obliged to conclude from it that the tribune was meditating a revolution. He had undertaken a great work, to which the aristocratic and wealthy classes were bitterly opposed; to succeed, he had need of fellow-workers, and he naturally sought them among the persons interested, and formed

¹ App., *Bell. civ.* i. 36.

² CAPITOLINUS. A silver coin of the Petillian family.

³ Diod., xxxvii. 11. Livy (*Epit.* lxxi.) speaks also of *coitus, conjurationesque et orationes in concilio principum*.

them into an organized force. From their tombs the Gracchi warned him that he must protect himself, and this he did. His method was doubtless a dangerous one, for he incurred the risk of being impelled against his will to desperate extremities.

About this time the Marsian, Pompaedius Silo, a friend of Drusus, gathered a band, whose numbers fear or hate have exaggerated to ten thousand; these men, it was said, carried concealed weapons, and, led by Silo, advanced through by-ways upon Rome, with the intention of surrounding the senate-house and compelling the senators to grant citizenship to the allies, or, failing that, of ravaging the city with fire and sword.¹ On the way Silo was met by the ex-consul, Domitius, who inquired why this crowd followed him. "I am going to Rome, whither the tribune bids us come," was the answer of Pompaedius. Upon the positive assurances of Domitius that the Senate were voluntarily about to do justice to the allies, he was persuaded to dismiss his followers. If a word was enough to dispel their anger and break up their design, it is plain that neither was in any respect formidable.

Men's minds, however, were greatly excited at Rome, as is shown by subsequent events, and also by an anecdote related of Cato (of Utica), at that time a child four years old. Brought up in the house of his uncle, Livius Drusus, and accustomed to hear angry discussions about the rights of the allies, the boy had already taken sides with the aristocratic faction. Pompaedius Silo, being at his uncle's house one day, said to him, "Will you not beg your uncle to help us in obtaining the citizenship?" and the child refusing, Pompaedius seized him and held him out of a window, saying, "Promise me you will, or I shall let you fall." But the boy continued silent, and Pompaedius was obliged to release him. The story is generally cited to show the resolute character of Cato; but if it be true, the chief point to be noticed is the reflection in this fierce young soul of the passions of an oligarchy who could not brook that Italian nobles should become their rivals for the consulship, or the Italian poor swell the tumults of the Forum.

The city was now divided into two hostile factions of very unequal strength, the partisans of the Italians on the one hand,

¹ Διανοεῖτο δὲ περιστῆσαι τῇ συγκλήτῳ τὰ ὅπλα . . . ἢ μὴ, πυρὶ καὶ σιδηρῶ, κ.τ.λ. (Diod., xxxviii. 13.)

and on the other a part of the nobles and nearly all the rich citizens of Rome. The equestrian order were the class most actively opposed to the Livian law, for by it they would have lost the judicial positions which rendered them masters of the aristocracy; they would have been deprived also of their monopoly of the world's commerce, since the Italians, on becoming citizens, would have been in a position to dispute this advantage with them; and, finally, the investigations threatened by the tribune were a perpetual danger to the unjust judges so numerous in their ranks, and even a possible peril to every person who had presided



PHILIPPUS.¹

over a tribunal. The Senate, meanwhile, remained in the background, as it had been wont to do in every crisis since the time of the Gracchi. In general, however, the senators were favorable to Drusus, who would restore to them the *judicia*; and if we may believe a doubtful anecdote, they showed him a deference which justified the tribune's inordinate pride. Being on one occasion in the Forum, Drusus received a message from the Senate requesting his attendance at their place of meeting. "They may come to me," he said, "in the Curia Hostilia, near the rostra;" and the Senate obeyed. He gave them great offence by doubling their number; but it was advisable for them to show good-will toward the man who, in restoring to them the judicial offices, "plucked them from those ferocious beasts who thirsted for their blood."²

The equestrian order had summoned to Rome numerous bands of Etruscans and Umbrians, which the landowners willingly furnished; and they could count upon the aid of the consul, Marcius Philippus. This person, "variable and inconsistent," but especially violent, had, in 104, when tribune, proposed an agrarian law, and had uttered those famous words that are the justification of the Gracchi.³ Later he had shown himself one of the bitterest persecutors of Saturninus; and now, a personal enemy of Drusus, he reproached the Senate with their inactivity, declaring that it was

¹ L. PHILIPPVS. Equestrian statue; below, the sign of the denarius. Reverse of a coin of the Marcian family.

² The words are those of Cassius, in support of the law of Servilius Caepio, who, in 106, restored the judgeships to the Senate. (Cic., *de Orat.*, i. 52; *Brut.*, 43.)

³ See p. 549.

impossible to carry on the government with such a body of men, and that there was need of a new Senate. This unbecoming outbreak on the part of the first magistrate of a republic against its chief assembly produced an indignant burst of eloquence from Crassus; and amid the acclamations of the nobles the following declaration was passed as a resolution: "The wisdom of the Senate has never been found wanting to the republic." "It was a swan's song," says Cicero. While speaking, Crassus was attacked with a pain in the side; fever supervened, and a week later he was dead.

This "swan's song" of the dying Roman was a noble but useless utterance; on both sides violent acts continued. On the day when the Livian law was under discussion, Philippus would have put a stop to the voting; but an officer in attendance on Drusus seized him by the throat with such violence that the blood spurted from his mouth and eyes. "It is only the gravy of thrushes," sneered the tribune, making reference to the sumptuous banquets in which Philippus delighted. The law was passed, and now it might have been supposed that the struggle was over; on the contrary, it recommenced with more bitterness than ever. As soon as the Senate were established in the judgeships they allowed the other clauses of the bill to be attacked. "I might well oppose your decrees," the tribune said; "but I shall not do so, for I am sure that those who commit wrong will soon be punished for it. Consider, however, that in abolishing my law you abolish also the provision concerning the judiciary which insures the safety of honest men and the punishment of the guilty. Be careful, then, lest through hatred of me you disarm yourselves."¹ The Senate hesitated, and the knights had recourse to the method usual in revolutions. One evening, when Drusus was on his way



LICTOR (BAS-RELIEF OF THE VATICAN).

¹ Diodorus (xxxii. 10) cannot fix exactly the date of the tribuneship of Drusus.

home, surrounded by a crowd of his clients, he was suddenly struck down. The assassin made his escape, leaving his dagger in the wound, which proved to be mortal. "Oh, my friends!" cried the dying tribune, "when will the republic again find a citizen like myself?"¹ Some time before this, at the Latin festival, the Italian conspirators were intending to kill the consul; but in consequence of a warning from Drusus, Philippus escaped (91).

Again a reformer had been slain; and this time the financial oligarchy were responsible for the murder. A few months later a tribune of the aristocratic faction extolled this deed of violence. Political morals had indeed fallen very low when, not content with their victim's life, the conservative party openly justified the assassination. It is needless to say that no search was made for the murderer. The knights [or rather, the consul Philippus] took advantage of the consternation caused by this event to compel the Senate to use that singular privilege which the Conscript Fathers had always claimed,—the right of dispensing with the observance of any given law; and the following decree was promulgated: "It seems good to the Senate that the people should not be held to obey the laws of Drusus," as being contrary to the provision of the Caecilian-Didian law. At the same time an agent of the Senate, the tribune Varius Hybrida, a native of Sucro, son of a Roman father and Spanish mother, proposed a law making it treason for any citizen to favor the claims of the allies, and for any Italian to attempt to take part in Roman affairs. The tribunes opposed this, employing their veto; but the knights, drawing swords hidden under their mantles, compelled the acceptance of the Varian law.² The Senate may have then remembered the prophetic words of Drusus. The most illustrious of the senators were soon after accused. Bestia, C. Cotta, Muminius, Pompeius Rufus, and Memmius were banished or went voluntarily into exile. Scaurus himself was accused by Varius. His sole reply was as follows: "The Spaniard, Q. Varius, accuses Scaurus, prince of the Senate, of having excited the allies to revolt; Aemilius Scaurus,

¹ See p. 560.

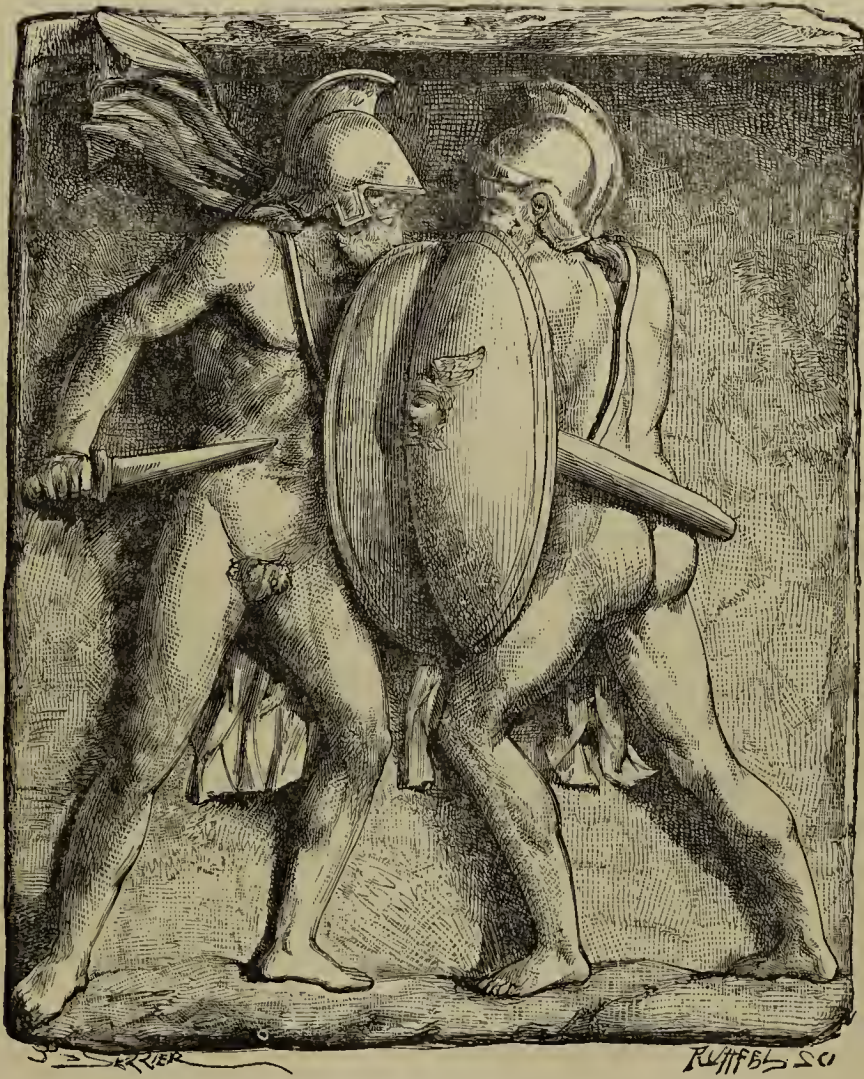
² The law of *perduellio*, which condemned the traitor to death, had become obsolete. (Cic., *pro Rab.* 3.) The *lex majestatis* of Varius imposed only the penalty of exile. Cicero (*de Invent.* ii. 7) thus defines the crime of *majestas*: *Majestatem minuere est, de dignitate aut amplitudine, aut potestate populi, aut eorum quibus potestatem dedit aliquid derogare.* Saturninus had passed a law concerning treason, but we know nothing of it.

prince of the Senate, denies the charge. Which of the two will you believe?"

The breaking out of the Social war brought to a close these acts of vengeance on the part of the equestrian order, for it was a tempest that threatened to sweep away everything,—people, nobles, and even the state itself.¹

¹ [The Varian tribunal continued sitting and condemning after all other courts were closed by the war; and it was the panic caused by this great crisis, not any abnormal power or fierceness in the knights, which caused the exile of so many important senators. They were, no doubt, the moderate liberals who had, at least for some time, favored Drusus. (Cf. the clear narrative in Neumann, *Verfall der röm. Republik*, p. 475, seq.).—Ed.]

² Bas-relief in the Museum of the Louvre. (Clarac, *Musée*, p. 194, No. 217.)



COMBATANTS.²

CHAPTER XLII.

THE SOCIAL WAR.

I. — CONDITION OF THE ITALIANS.

IN the conquest of the Italian states, Rome had profited by those municipal hatreds which always prevent cities from making concerted resistance; to secure their obedience after the conquest, she had still further increased, by the inequality of the conditions imposed upon them, the old jealousies springing from diversities of origin, language, and religion. The plan succeeded; and, as we have seen, the fidelity of the Italians had resisted the severest tests. But the allies shared the fate of the Roman plebeians: so long as they were deemed needful, they were treated with consideration; but as soon as they became useless they were despised.

The Roman aristocracy, who had allied themselves with the *noblesse* of all the Italian cities, had drawn many of the latter to Rome by the agreement that whoever had held a municipal office at home, or had left behind him a son to take his place in his own city, should acquire the *jus civitatis*, on coming to reside at Rome.¹ When all the nobles of the municipia had thus left their native towns, the obscure crowd remaining were of no account. The treaties regulating their privileges and the distinctions established among their cities were forgotten. They who at Rome no longer had any respect for the "sovereign people," could not be expected to respect the rights of the vanquished. All differences among the Italians were practically effaced by one common oppression; and although the words colony, municipium, prefecture,

¹ *Hi qui vel magistratum* (the duumvirate) *vel honorem* (the aedileship or the quaestorship) *gerunt, ad civitatem Romanam perveniunt.* (Gaius, i. 96, and Pliny, *Pan.* 39.) A third means of obtaining citizenship, accorded later to the Latins, was to convict a Roman magistrate of extortion; but it was not the nobility who had created this privilege.



ENVIRONS OF NAPLES
Scala (P. Lepido)

ENVIRONS OF ROME
Scala (P. Lepido)

ADRIATIC SEA (M. SUPERUM)

M. SUPERUM

and the like, continued to exist, and corresponded to what had been real distinctions, the whole Italian world, from a political point of view, was simply divided into two great classes, — those who were, and those who were not, Roman citizens.¹

Within the Roman frontier there was law (*legitima judicia*) ; outside of it all was arbitrary and despotic (*dominium*). Praeneste was free, and treaties had guaranteed her entire independence. But a private individual, Postumius, who went thither to sacrifice in the temple of Fortune,² felt himself aggrieved because he had not been received with public honors ; and, becoming consul some time after, avenged himself for the fancied slight by laying upon the citizens an onerous and humiliating tax.³ Locri was an allied city, and the conduct of Pleminius there was notorious. Cales, Teanum, and Ferentinum were early colonies, with the rank of municipia. But listen



THE GODDESS FORTUNE.⁴

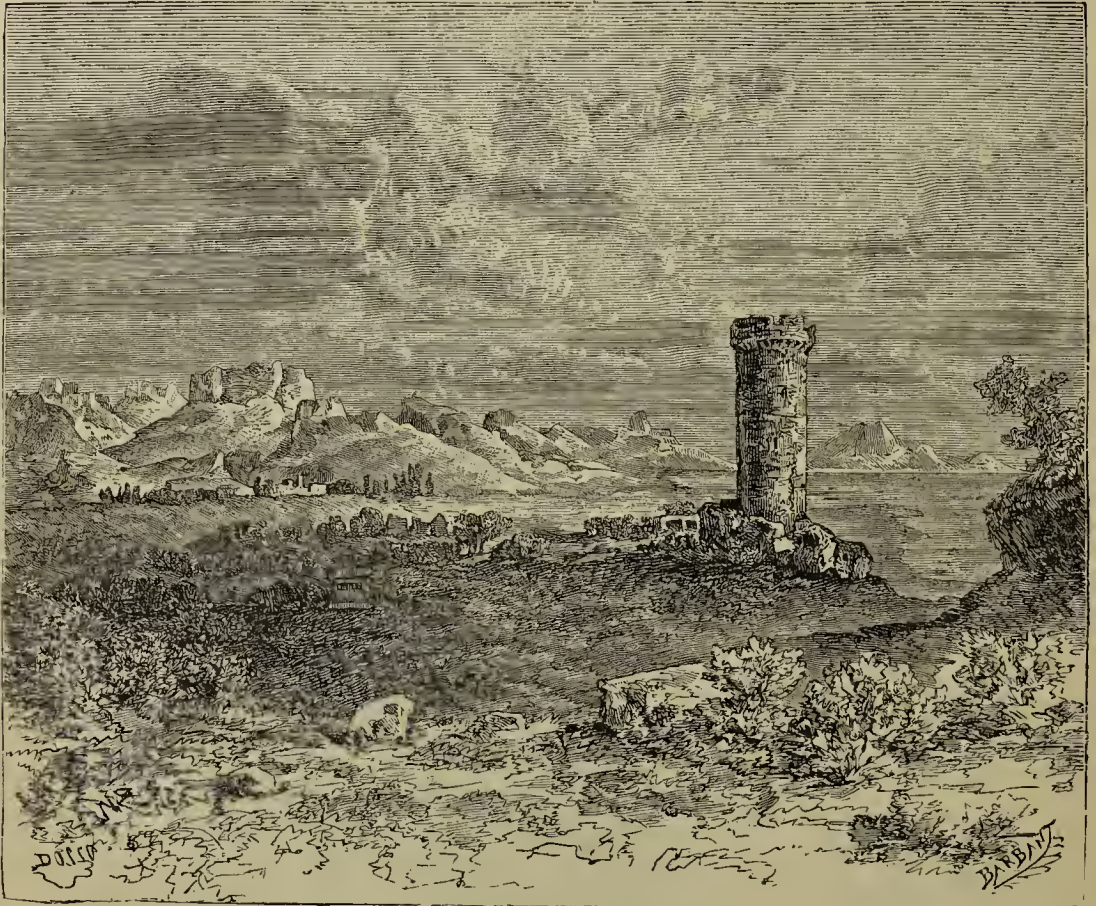
¹ Sallust (*Catil.* 12) says: *Ignavissimi homines, per summum scelus omnia ea sociis adimere quae fortissimi viri victores hostibus reliquerant*; and Cicero (*de Off.* ii. 21): *Tanta sublatis legibus et judiciis, expilatio direptioque sociorum, ut imbecillitate aliorum, non nostra virtute vuleamus.*

² See this temple, Vol. I. p. 376.

³ Livy, xlii. 1 ; cf. *ib.*, xlii. 3 ; Val. Max., I. i. 20. Cicero contended against this abuse (*de Leg.* iii. 8 ; Livy, xxxiv. 44).

⁴ *Museo Pio Clementino*, ii. pl. 12. Statue of Luna marble found at Rome near Trajan's

to what Caius Gracchus relates from the rostra: "Recently our consul was at Teanum with his wife, and the latter expressed a desire to go to the men's baths in that city. The quaesitor ordered M. Marius to have the baths cleared at once for the gratification of her wish. A slight delay, however, ensued, the matron became angry, and the consul ordered his lictors



RUINS OF LOCRI.¹

to seize Marius, to tear off his garments, to bind him to a post in the open market-place, and to beat him with rods—Marius, the first citizen of the town! At the news of this the inhabitants of Cales forbade by edict the use of the public baths so long as a Roman magistrate should be in the town. At

Forum. The cornucopia carried by this figure, and the rudder resting between a wheel and a ball at her feet, have caused her to be regarded as the Goddess Fortune, the divinity who bestows wealth, but who rules capriciously. She wears on her head a Phrygian *pileus* surmounted by a tower, and from this circumstance is thought to represent the Phrygian Fortune.

¹ *Ann. de l'Inst. archéol.* vol. ii. pp. 3-12.

Ferentinum, for a similar cause, our praetor ordered the arrest of the quaestors, one of whom threw himself off the walls of the city, and the other, being taken, was beaten with rods."

The custom of so-called *liberae legationes* caused the allies great expense. Any senator wishing to travel for his own business or pleasure, might obtain a "mission," that is, the right of having all his travelling expenses paid by the allies through whose towns



FERENTINUM.¹

he might pass. And they were esteemed fortunate if they did not suffer in other ways from his caprice or pride. Again we have an incident related by Caius Gracchus: an inhabitant of Venusia, meeting a young man borne in a litter, said, laughing, to the bearers: "Is that a corpse you are carrying there?" And the jest cost him his life. The words were of evil omen to a Roman ear, and the traveller, to obviate the presage, made the

¹ Dodwell, *Pelasgic Remains*, pl. 99. The base of the wall is Pelasgic, and the upper part, with the arch, Roman.

speaker expiate the offence with his life. In an allied city, which Cato does not specify, an ex-consul, Q. Thermus, on pretext that negligence had been shown in supplying him with provisions, caused all the magistrates, who were men of good family and distinguished merit, to be publicly beaten with rods. "And what," says the wise censor, "do you imagine was the resentment that they felt, they and their fellow-citizens, witnesses of this outrage?" "But," says Cicero, "we seek to inspire fear rather than affection." In 183 the inhabitants of Naples disputed with those of Nola in respect to a certain territory. Q. Fabius Labeo, the consul, being selected as arbiter, assigned the lands in dispute to the Roman people. Legally this may have been justifiable; but politically it was the height of injustice.¹

Acts like these did not occur constantly, or in all places. In many cases, on the contrary, the relations between the citizens and the allies were most friendly, and treaties of an oppressive character were not executed to the letter; first, because no authority was expressly charged to see to their execution, and secondly, since the public necessity which originally imposed them seemed no longer to exist, private interests had free scope, and transactions were possible which had been at first prohibited. On one occasion, for instance, the Italian troops and those of Rome fraternized for a moment, like kindred meeting again after long separation.² But the few excesses committed here and there were enough to prove that they might be committed everywhere; and the more thoughtful Italians said to themselves that however favorably situated any of them might seem to be, no city had any guaranty against the tyranny of a Roman magistrate or the insolence of a citizen. The Roman government itself showed clearly that it was influenced by no respect for the rights of the allies. The Senate's decree concerning the Bacchanalia violated their religious liberty, as the Didian and Sempronian laws regulating the expenses of festivals and fixing limits in regard to usury, interfered with the civil rights.³ It was manifest to all

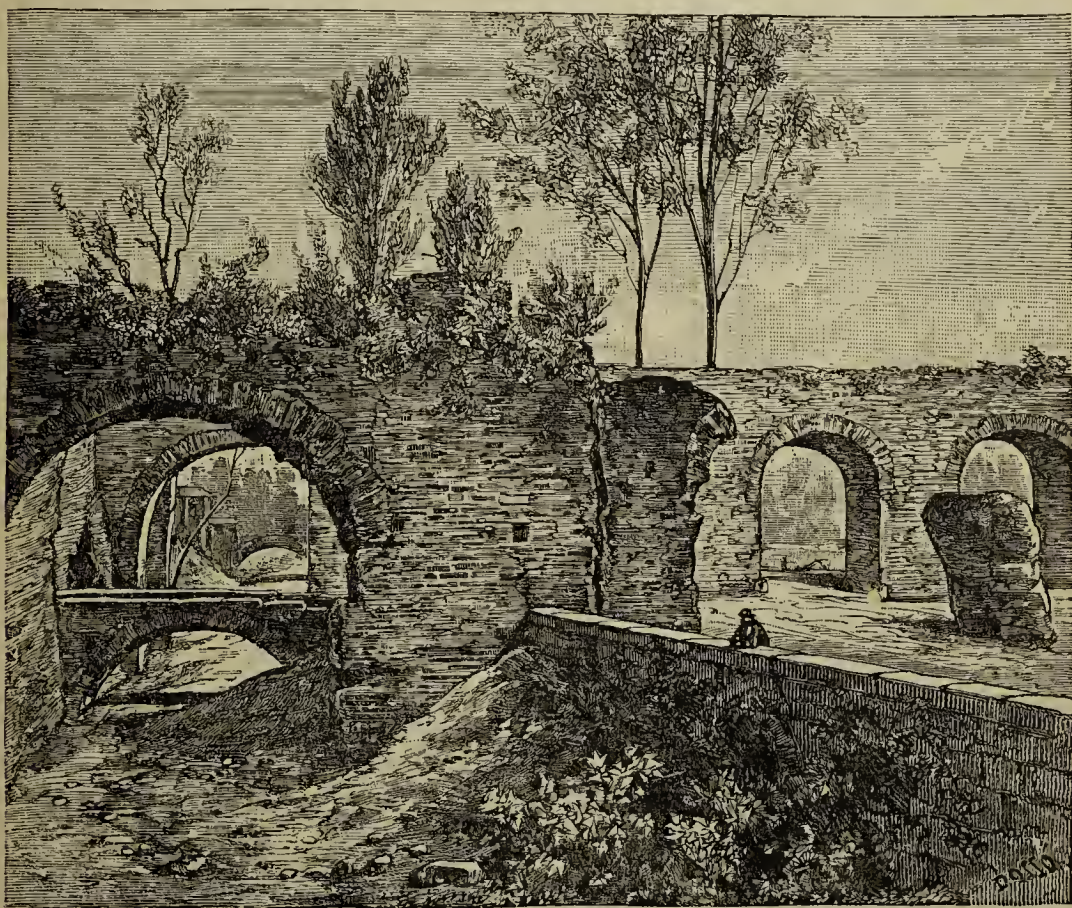
¹ Aulus Gellius, *Noct. Att.* x. 3; *de Off.* ii. 8; *de Off.* i. 10; Val. Max., vii. 3, 4.

² Οἱ παρ' ἀμφοτέρους στρατιῶται . . . , συχνοὺς οἰκείους καὶ συγγενεῖς κατενόουν, οὓς ὁ τῆς ἐπιγαμίας νόμος ἐπεποίηκει κοινωνῆσαι τῆς τοιαύτης φιλίας. (Diod., xxxviii. 15.) See p. 594.

³ Didius extended the sumptuary law of Fannius to all Italy, and Sempronius did the same

that, notwithstanding the diversity in titles, there existed in Italy the two great classes, — the sovereign people, and the subject people ; and that the former consulted their own interests solely, in all their dealings with the latter.

Moreover, another serious hardship fell upon the Italians. Since the middle class at Rome had ceased to exist, the burden of all the wars undertaken by the Republic fell upon the allies ; while



NAPLES ; ARCADE OF THE AQUEDUCT CALLED PONTI ROSSI.

their soldiers, twice as numerous as the Roman force, were scornfully excluded from the legions, and were sometimes not allowed to share in the pillage after a victory, or in the distributions that followed a triumph ;¹ and at best they received less than was given to the legionaries. In self-sacrifices, devotion, and death they had equal share ; but in honors and rewards they were made to feel

in regulating usury. It often happened that the *socii* accepted the civil laws of Rome. (Cic., *pro Balbo*, 8.)

¹ At the triumph of C. Claudius Pulcher, in 177, the allied soldiers received but half as much as was bestowed upon the legionaries. (Livy, xli. 13.)

their inferiority. Their chiefs were Romans; and yet the greatest generals of the day, Marius and Scipio, preferred the Italian soldiers to the Roman legionaries. Their blood paid for the world's conquest; but of the world's plunder they were denied their share.

The legal rights of the allies were also very limited. Most of them were not at liberty to engage in traffic or acquire land outside the little territory belonging to each city. The praetor denied to their property the inalienable character of quiritarian ownership;¹ denied to them, as heads of families, the Roman paternal authority, and to their title of citizen of their own city, the rights of appeal and of voluntary exile. He who could say *civis Romanus sum*, saw justice arrested in the province, and the law lose its severity in Rome. Though guilty of the greatest crimes, he was free of penalty by going into voluntary exile beyond the gates of the city.² The Italian, condemned for similar offences, perished under the rod.³ The Roman paid no tax, and lived by the sale of his vote and his testimony, and by public distributions; the Italian, instead of receiving anything, was obliged to spend for the pay and maintenance of the contingents required from the allies.⁴ Even the enjoyment of their natural advantages was denied them. They were forbidden to work the mines⁵ which had enriched Etruria, and were required to pay a duty on the stone and marble which they extracted from their quarries. The greed of the publicans weighed most severely upon the provinces; but in Italy there was one tax, the *portorium*, which was farmed out. And, to conclude the list of their grievances, the very agrarian laws designed to alleviate the condition of the Roman proletariat, did so by despoiling the Italians.

Thus we see that the allies, who were [mostly] identical with the Romans in language and in manners, received no profits from

¹ The *legitimum dominium* gave the owner right, when he had lost possession of an object, to demand, by the *rei vindicatio*, its gratuitous restitution at the hands of any person into whose power it had in any way come, and to take it from him in case of refusal. The *mancipatio* secured the strongest guaranties to the buyer.

² In this case his property would be confiscated; but with a little forethought he was able to protect it by putting it in trust.

³ Thus Turpilius . . . *verberatus capite poenas solvit, nam is civis ex Latia erat.* (Sall., *Jug.* 69.)

⁴ Cf. Livy, xxiii. 5; xxvii. 9. *Italia stipendiaria*, says Tacitus. (*Ann.* xi. 22.)

⁵ Pliny, *Hist. Nat.* xxxiii. 4. Near Volaterra there were rich copper-mines, and gold-mines near Vercellae.

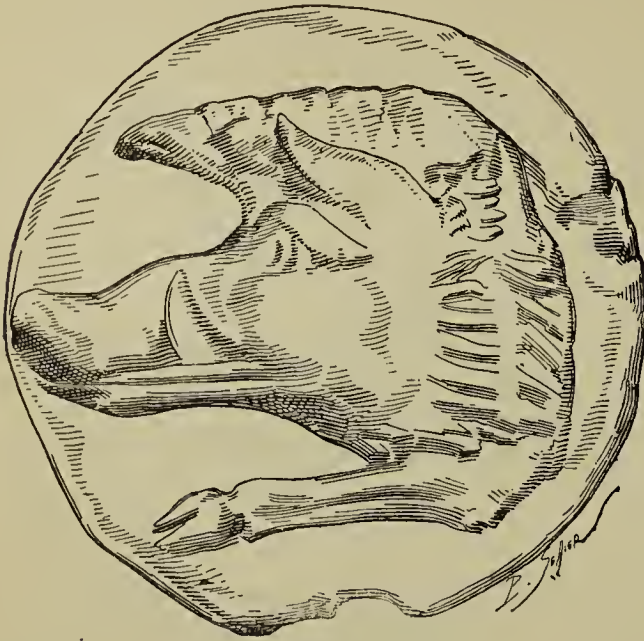
conquest, no honors from their military services, and enjoyed neither the political privileges nor the civil rights of Roman citizens. The son of a freedman in Rome was of more consequence than this or that brave Italian soldier who had assisted a consul in gaining a victory. It was, therefore, natural that the Italians should aspire to the title of Roman citizen, which relieved from taxes, opened the career of official rank, and raised them to be among the masters of the world. All the prerogatives of the Roman citizen were not equally objects to be desired; to the poor, or even the mid-

COIN OF VENUSIA.¹

dle-class dweller in Venusia or Ariminum, what mattered the right to vote in the Campus Martius and to help in electing a consul? Could the poor Italians leave their work and make the journey to Rome on all the *nundinae*? Political rights were of little value to them; but it was not so in respect to the civil rights included in the *jus civitatis*. Among themselves the allies had their own laws, equitably regulating their mutual relations. But Roman citizens now formed a considerable part of the inhabitants of the peninsula. They had business relations constantly with their Italian neighbors, wherein the inferior condition of the Italian was perpetually made apparent, and he was obliged to suffer, not merely in his pride, but in his interests. The ravages of the Second Punic War, the destruction of agriculture, the decrease in the class of petty proprietors, had left a great deal of land uncultivated and unclaimed. Now a man having lawful possession of anything (*civilis possessio*) could, if he were a Roman citizen, convert this into quiritarian ownership by the fulfilment of certain definite conditions, or by an uninterrupted possession, for one year if it were

¹ Wolf's head. Extremely rare coin of Venusia. *Cabinet de France*.

personal property, and for two years if real. But if he were not a citizen this was impossible; his *possessio* could never be changed



AS OF VENUSIA.¹

into *dominium*, and he might at any time be deprived of his property; *adversus hostem* [mark the odious formula] *aeterna auctoritas*. By the *rei vindicatio* the quiritarian owner could recover his possession; by the *negatoria actio* he could defend it against any one putting obstacles in the way of his complete ownership under pretext of some right (*servitus*) acquired over it.² But only

one having the *dominium* was placed under the protection of these legal proceedings, and the *dominium* could belong only to the citizen. In the legal relations of debtor and creditor the *jus civile* allowed the creditor to bring a suit to obtain payment of the stipulated sum. But natural obligations founded upon the *jus gentium*—existing, that is to say, outside the protection of the Roman civil law—did not allow an action to be brought against the debtor. Between Romans and Italians marriages were frequent; but no legal consequences resulted from these unions except to such of the allies as held the *jus connubii* and the *jus commercii*; and the Italian could neither buy nor inherit from a citizen,—or at least these acts were not shielded by the strong protection which the Roman law afforded when they passed between citizens. Lastly, their liberty had not the guaranty of an appeal to the people, nor had their lives that of the Porcian and Sempronian laws.³

¹ Coin from the *Cabinet de France*.

² The formula of this legal proceeding was: *Jus illi non esse ire, agere*, etc.; hence its name, *actio negativa* or *negatoria*. (Gaius, *Inst.* iv. 3; *Dig.* viii. § 2.)

³ Cf. Heineccius, *Elém. du droit rom.*; Hugo, *Hist. du droit rom.*; Laboulaye, *Hist. du droit de propriété foncière en occident*; Marezoli, *Droit privé des Romains*; Rudorff, *Röm. Rechtsg.*; Bethmann-Holweg, etc.

Notwithstanding all the inconveniences of their situation, there were for a long time only individual efforts on the part of the Italians to obtain the right of citizenship. In 187 it was found that twelve thousand Latins were living in Rome, and had given their names to the censors; they were at once expelled by order of the Senate. Others had recourse to fraud, and, under a feigned sale, gave up their sons to Roman citizens, who at once enfranchised them. In 177 a new inquiry brought to light a great number of aliens who had thus entered into citizenship by aid of the praetor's wand and the freedman's cap. These persons the Senate also expelled, and prohibited, though ineffectually, these fictitious sales.

Not infrequently the Latin cities complained of this desertion, as the exodus to Rome left heavier burdens in the matter of taxes and of military service on the rest, and the Senate made no allowance for a decrease of population.

This movement of the inhabitants of Latium toward Rome extended itself to the rest of Italy. In 177 the Samnites and the Pelignians made appeal to Rome to send back to them four thousand of their citizens who had established themselves at Fregellae, a city of Latium, where they enjoyed the privileges of the Latin name, and whence they might later make their way into Rome.¹

Thus the allies were gradually coming into the city, when an unexpected event had the effect of making this movement general. As a result of conquest, the greater part of Italy had now become public domain. Hence followed the occupation by noble Romans of an immense amount of very fertile lands, without fixed boundaries, lying in the neighborhood of Rome and of similar occupations by wealthy Italians of territory more remote from the city, or lying at a distance from the high roads. When the agrarian law, brought forward again by the Gracchi, alarmed all persons holding public lands, these Italians found themselves united by a common and urgent interest, with these two alternatives before them,—either to prevent the passage of the law by uniting their efforts to those of the Roman aristocracy; or else, by

¹ Livy, xxxix. 3; xli. 8, 9.

obtaining citizenship, to compel the Roman people to share with them. This motive, combined with the long-cherished desire to obtain full civil rights, and with the legitimate ambition of men like Papius and Pompaedius, conscious of their own ability and chafing at the obscurity of a Marsian or Samnite municipium, brought about the explosion so long repressed. The insurrection was formidable; for it was no longer the ill-concerted revolt of a few cities, yesterday enemies to one another, and ready to become so again on the morrow, but the waking up of a nation.

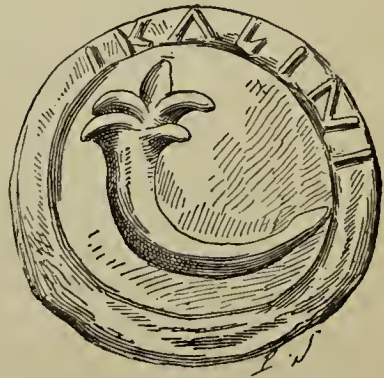
In leading her allies to the conquest of the world; in holding united beneath her standards for two centuries men of Etruria, Samnium, Magna Græcia, and Umbria; in giving, in many important respects, the precedence to the Italians over the provincials, — Rome had been unconsciously an agent in forming a great nationality. Eighty colonies, founded throughout the peninsula, had carried with them¹ the blood, the language, and the manners of the Latin race, although they had not crushed out the native languages or the local traditions. These native diversities had been gradually effaced, while oppression effaced the political diversities. By their common interests and misfortunes, all the Italians subjected by Rome were united and had come to feel their mutual kinship. By degrees the idea of a common country had sprung up among them, and the word spoken by Scipio Aemilianus had been heard with a thrill of emotion from the Po to the Straits of Messina.

We have already referred to what may have been Scipio's secret intention and the share meant for the Italians in its fulfilment; but his death arrested these designs, and after his time it was the popular leaders who supported the cause of the Italians. The promises of Fulvius brought about the insurrection at Fregellæ, which this consul was constrained to leave to its fate, being sent by the Senate to carry on the war in Transalpine Gaul. Caius Gracchus had not time, nor had he the ability, to carry out the vast plan he had conceived. Marius did not propose any political

¹ In the Sabellian region the Oscan language still existed; and instead of the word *Italia* of the Marsian medals we find *Vitellin* on those of the Samnites. The Sabellian league of the north (see Vol. I. p. 98) was more Roman than that of the south, and in a large part of Magna Græcia the Greek language was still the speech of the people.

measures; but he enrolled many of the Italians in his legions, and he encouraged the hopes of all of them by giving citizenship upon the field of battle to a thousand Umbrians and to certain men of Iguvium and Spoleto.¹ Marius was censured for this act as an encroachment upon the sovereignty of the Roman people. "Amid the clash of arms," he replied, "I could not hear the voice of the law."² The Italians who gathered about Saturninus had used the word "king;" but his death and the aristocratic reaction which followed the exile of Marius again brought disappointment to their hopes. Finally, the consuls of the year 95 raised to its height the exasperation of the allies by driving out of Rome all the Italians at that time residing in the city (under the law *Licinia-Mucia*).³

This was not the first of the decrees of expulsion; we have already mentioned those of 187 and of 177; at a later date residence in Rome had been forbidden to the allies, and in the year 125 the aged father of the consul Perperna was expelled from a city whither his son had sent a king as prisoner. Thus to interfere with settled habits and established business was to cause the ruin of many and to secure the hatred of all. The Italians went out of Rome bearing in their hearts a desire for vengeance after so many humiliations. Drusus attempted to pacify them; and it was his death which decided them at last to take arms. Two Latin historians recognize the justice of their claims.⁵ The Marsians took the lead, and Pompaedius Silo, who belonged to this nation, was the soul of the war.

AS OF IGUVIUM.⁴

¹ The aqueduct of Spoleto (see accompanying full-paged cut), a work worthy of the Romans, and often attributed to them, appears to have been constructed in the seventh century by the Lombard dukes.

² He seems to have done the same in Africa after the capture of Jugurtha. (Caes., *Bell. Afr.* 35.)

³ Cic., *de Off.* iii. 11.

⁴ IKVPINI (*Iguvini*), and a cornucopia. Ancient coin of Iguvium.

⁵ Florus and Paterculus. *Cum jus civitatis*, says the former, *socii justissime postularent. Causa fuit justissima*, says the latter.

II. FIRST YEAR OF THE SOCIAL WAR.

THE struggle we have now to describe was a war of singular character, unlike any in ancient history. It was formidable, short as it was; it cost more blood than had ever before been shed in Italy; and yet, contrary to all ancient usage, neither of the two adversaries desired to ruin the other. The Italians, a few of their leaders excepted, did not seek to destroy Rome, neither did Rome wish to exterminate the Italian peoples; and before the war was ended the victors granted to the vanquished what the latter had asked for before the first battle had been fought.

With the aid of Drusus the allies had expected success; upon the failure of his projects, and the beginning at Rome of a sanguinary reaction, certain to spread throughout Italy, nothing was left to them but an appeal to the sword. A few years earlier, on the breaking out of the Cimbrian war, they had been reluctant to furnish the contingent required by Rome, and only the urgent persuasions of Sylla had brought them to recognize a danger common to all Italy.² And now eight nations—the Vestini, Marrucini, Frentani, and the inhabitants of Picenum, dwellers on the Adriatic coast and in the rich



OATH OF THE
EIGHT NATIONS.¹



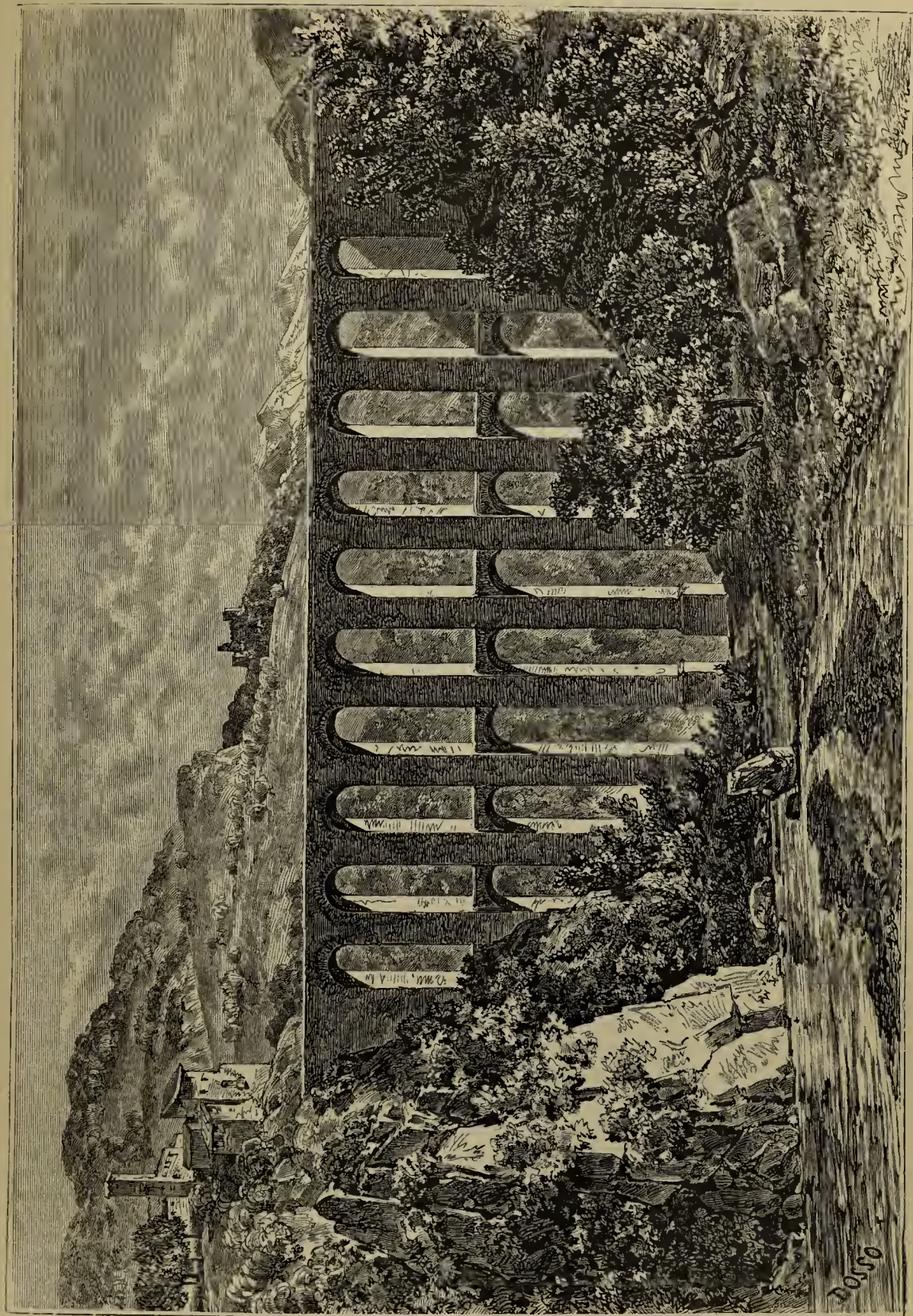
THE SABELLIAN
BULL GORING
THE ROMAN
WOLF.³

valleys of the Aternus, the Sagrus, and the Tifernus; the Marsians, Pelignians, and Samnites, in the mountains; and the Apulians in the south of the peninsula—bound themselves by oaths, interchanged hostages, and concerted a general rising. For the first time entertaining the idea of union, they proposed to form a republic after the model of Rome, having a senate of five hundred members, two consuls, and twelve praetors, and taking for their capital city the fortified town of

¹ Q. SILO. Eight Samnite chiefs swear upon a sow held up by a kneeling soldier. Reverse of a unique silver coin of the Social war.

² Plutarch, *Sylla*, 4.

³ C. PAAPI, in Oscan characters. The Samnite bull driving his horn into the head of the Roman she-wolf. Silver coin of Bovianum or Corfinium.



AQUEDUCT OF SPOLETO.

Corfinium in the Apennines, in the heart of the revolted country. They gave their capital the significant name of Italica,¹ and later they struck a coin representing the Sabellian bull attacking the Roman she-wolf. The revolt was, in fact, a new Samnite war, the nations foreign to the Sabellian race taking no share in it.² The Bruttians as a nation had ceased to exist; Magna Graecia was deserted; Campania was entirely Roman, with the exception of a few localities — Herculaneum, for instance — which declared against the Senate. In the north of Italy the Etruscans and Umbrians, whom Rome had so often saved from the Gauls, and had now lately

THE MINERVA OF HERCULANEUM.³

¹ *Atque appellarant Italicam.* (Vell. Patere., ii. 16.) The medals bear the word *Italica*. (Cf. Diod., xxxvii. 1.) Their senate had authority only in respect to the conduct of the war; the brief duration of this federal republic gave no time, however, for any very definite organization. [Whether this confederation, indeed, copied the Roman model is more than doubtful. The appointment of two generals was necessitated by the twofold scene of operations, and, indeed, the geographical nature of the confederacy. But it is more important to consider whether the senate of the league was not *representative*, as the personal attendance of its citizens would be well-nigh impossible. If this idea was, indeed, adopted, its defeat was the gravest disaster which ever happened to Italy. — *Ed.*] The idea of imitating Rome was not a new one; the Italians of Scipio's army in their Spanish revolt gave their two leaders the title and insignia of consuls. (Livy, xxviii. 24; Flor., iii. 19.)

² In Etruria the descendants of the lucumons held all the land, and a popular insurrection would have been as formidable to them as to the Roman nobles.

³ Minerva, with helmet and aegis, is represented in an attitude of combat. This beautiful

protected against the Cimbri, together with the people of Latium, remained faithful.

The Senate, upon receiving information of all these movements, despatched emissaries in every direction. One of these spies reported to the proconsul Servilius that a certain hostage was to be delivered at Corfinium by the Asculani; the proconsul at once hastened to Asculum, where, upon his using violent and threatening language, the people of the town fell upon him and murdered both Servilius and his lieutenant,¹ and then turned their fury upon all the Romans resident in Asculum, not sparing even the women, many of whom they scalped. It was the signal of war.

Let us now endeavor to estimate the strength of the two sides. In the time of the Gallic invasion the Etruscans, Latins, and Um-



COIN OF HERACLEIA
PONTICA.²



COIN OF CARYSTUS.³



BOCCHUS.⁴

brians had agreed to furnish upward of one hundred and twenty thousand soldiers, while the Sabellians and Apulians could muster two hundred thousand. The proportion is that of three to five, and is likely to have remained about the same. The Italians continuing faithful to Rome therefore were able to furnish at the outbreak of the Social war a contingent equal to three fifths of the entire force of the allies.⁵ In Rome there were, according to the last census, at least four hundred thousand citizens.⁶ Besides this,

statue, now in Naples, was one of the first brought to light by the excavations at Herculaneum, and when unearthed had still traces of gilding on the head and on the pallium. [The stiff drapery and pose mark it as one of those archaizing attempts so common in Roman Greek art. What we know as pre-Raphaelite taste existed as pre-Phidian among Roman amateurs. — *Ed.*]

¹ Cic., *pro Font.* 14; App., *Bell. civ.* i. 36; Dion., *fr.* 287.

² HPAK. Turreted female head, personification of the city. The reverse, a quiver, a club, and a bunch of grapes. Silver coin of Heracleia Pontica.

³ Head of Hercules. On the reverse, KAPY. Silver coin of Carystus.

⁴ REX BOCV (Bocchus). Griffin and a symbol. Silver coin. (De Luynes, *Essai sur la numismatique des satrapies de la Phénicie*, p. 104.)

⁵ Much importance has been attached to the Marsians; but in 225 they, together with the Marrucini, the Frentani, and the Vestini, were not able to bring into the field more than twenty-four thousand troops. (Polyb., ii. 24.)

⁶ The census of the year 125 gave 390,736 citizens; that of 114, 394,336. (Livy, *Epit.*

an army was raised by Sertorius among the Cisalpine Gauls;¹ the kings of Numidia furnished cavalry; Bocchus sent Moorish infantry; and if, as we know, the cities of Heracleia upon the Euxine, Carystus, Miletus, and Clazomenae supplied ships, many other cities nearer Rome must have furnished assistance in some form,—Marseilles and Rhodes especially, so devoted to the prosperity of the Republic.² Lastly, Rome was yet mistress of nearly all the great cities in the very midst of the revolted territory, her former colonies, established usually in strong military positions; and, moreover, the public treasury contained nearly two million pounds weight of gold.

Thus at the Senate's command were forces and resources three or four times greater than those possessed by the allies; and to this we must add the habit of command and of undertaking great affairs, unity in the direction of the campaign, and the experience of generals and discipline of soldiers lately trained by two great wars.

Moreover, Rome found herself able to bear, in the midst of this struggle, a weight of domestic difficulties and seditions. In the city an upright praetor was assassinated by the usurers whom he had endeavored to bring within the bounds of law; in the army a consular lieutenant was killed by his own soldiers; and even a consul, Porcius Cato, perished, perhaps by the hands of his own people, after having escaped from one mutiny.⁴ The public confidence was in no way impaired by all this.



COIN OF MILETUS.³

lx. and lxiii.) All the manuscripts agree in giving these figures. If it be said that there had been heavy losses by the Cimbrian war, we may reply that the Italians lost in that war as well as the Romans. It is, moreover, well known that the population of Rome even increased during the Second Punic War. [No doubt by the many fugitives from Hannibal's devastations. — *Ed.*]

¹ Aulus Gellius, *Noct. Att.* ii. 27, following Sallust and Plutarch (in *Sertorius*).

² A senatus-consultum of May 22, 78, decreed honors to three captains from Carystus, Clazomenae, and Miletus for their services in the Social war. (*C. I. L.* i. 203.)

³ Laurelled head of Apollo. On the reverse, ΜΙΛΕΣΙΩΝ ΕΠΙ ΚΡΑΤΗΣ ΚΡΑΤΕΡΟΣ. A lion looking at a star. Silver coin of Miletus.

⁴ Livy, *Epit.* lxxiv. and lxxv.; Val. Max., IX. viii. 3; Diod., *Frag.* exiv.; it was the praetor Sempronius Asellio.

From the Capitol, where they were in session, the Senate could see rising behind the Sabine hills the smoke of conflagrations kindled by the enemy; but not a single soldier was called back from the provinces. And as on the day when, according to tradition, Hannibal from his camp, looking down into Rome, saw troops destined for Spain march out from the opposite gates of



MITHRIDATES VI.
(EUPATOR).²

the city, so now, in the most critical period of the present struggle, the Senate sent away an army to crush the revolted Salluvii in Transalpine Gaul. They did still more; defying Mithridates, to whom the allies had appealed for aid, the Senate re-established upon their thrones two eastern kings, Nicomedes of Bithynia, and Ariobarzanes of Cappadocia.¹

At the same time the war was a very formidable one; for in the case of a state made up, as was Rome, of successive aggregations which were still but feebly united, there was danger that, as soon as any portion became detached,



NICOMEDES III.²

the whole mass might crumble. Could it be expected that the provincials would remain tranquil spectators of this strife? Would the slaves, to whom the allies opened their ranks, would Mithridates, for whose help they appealed, allow them to stop fighting, when at last, weary of the struggle, they might wish to return to their former friendly relations? Happily for Rome, the war was a short one.

The two Italian consuls, Pompaedius the Marsian, and Papius Motulus the Samnite, divided the army and the provinces: the former to operate in the north, to incite to revolt, if possible, the Umbrians and Etruscans, and to penetrate by way of the Sabine country into the valley of the Tiber; the latter to move southward toward Campania, and advance upon Rome through Latium. Protected by the two main armies, the lieutenants Judacilius, Lamponius Afranius, Vettius Scato, and Marius Egnatius were

¹ Livy's *Epitome* lxxiv., places the rehabilitation of the two kings in the year 90, and Clinton accepts that date. (See *Fasti Hellen.*, in the appendix to vol. iii., "Kings of Bithynia," p. 419.) [But the crisis of the Social war was then over. — *Ed.*]

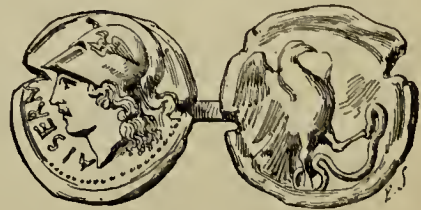
² From a tetradrachm.

expected to carry the places in the interior which made resistance, and drive the Roman garrisons out of Lucania and Apulia.

Before the first blood was shed, the leaders of the allies made one more effort, sending deputies to the Senate with a proposal to lay down arms if the citizenship should now be granted them; but the Senate refused to listen.¹

A hundred thousand men opened the campaign, it is stated, by the siege of Alba in the Marsian country, Aesernia in Samnium, and Pinna in the country of the Vestinii, three fortified towns which the Italians considered it dangerous to leave unsubdued behind them in coming down from the mountains.

The Senate, on their part, sent into the field one hundred thousand legionaries, and directed their first efforts toward confining the insurrection within the Apennines. The consuls at this time were Julius Caesar and P. Rutilius (90): the former occupied Campania, and endeavored to enter Samnium; the latter, for the purpose of covering the Sabine country, took up a position behind the Tolenus, an affluent of the Velinus,⁴ and closed the Tiburtine road, the only one entering the hilly Marsian country, and no doubt the route by which Pompaedius proposed to descend.⁶ Perperna, with ten thousand men thrown between the two consular armies, defended

COIN OF MOTULUS.²COIN OF AESERNIA.³COIN OF
ASCULUM.⁵

¹ Appian, *Bell. civ.* i. 39; Livy, *Epit.* lxxii.

² MVTIL EMBRATVR [imperator] in Oscan. Head of Pallas. On the reverse, C. PAAPL, in Oscan; two chiefs swearing alliance upon a sow held up by a kneeling soldier. Silver coin of the Social war.

³ AISERN and a head of Pallas. On the reverse, an eagle destroying a serpent. Coin of Aesernia.

⁴ The Velinus falls into the Nar, which is itself a branch of the Tiber. All these valleys, it will be seen, come out upon that river, which forms the great highway between the central Apennines and Rome.

⁵ ΑΣΚΛΑ. Victory before a palm-tree. Reverse of a coin of Aseulum, which Strabo and others call Ἀσκλον.

⁶ Appian is of opinion that the Liris was the base of operations for the army of Rutilius. Ovid (*Fast.* vi. 565) places the consul on the Tolenus, which is more probable, since Carseoli is upon this river, and since, moreover, its valley is the outlet from the

the approach to Latium by way of the mountains;¹ Marius and Caepio, with two army corps, manœuvred upon the wings of Rutilius' legions to give aid to Perperna in the south, and in the north to the proconsul Cn. Pompeius Strabo (the father of Pompey the Great) who was endeavoring to enter Umbria by way of Picenum, while Sulpicius, another legate, was advancing into the country of the Pelignians. It was expected that these two generals, making a flank movement around the army of Pompaedius, would attack Corfinium — which had had the presumption to accept the *rôle* of a rival of Rome — and Asculum, the city whence had been given the signal for the war. In the southeast Crassus was to operate in Lucania, in the rear of the Samnite Motulus;³ and a large force was retained in Rome itself, where posts were set at the gates and upon the walls,⁴ and T. Piso was directed to see to the manufacture of arms.⁵



COIN OF
LUCANIA.²

The Romans had not, however, completed their arrangements when the Italians, attacking furiously at every point, surprised the legions and caused them to fall back. The consul, J. Caesar, imprudently attacking the Samnites, was defeated by Vettius Scato, and driven back upon Aesernia.⁶ This city, watered by an affluent of the Volturnus, and Venafrum, nearly opposite to it, on the other side of the same river, and situated on the Latin road, close the long valley of the Volturnus, leading up from Campania into the interior of Samnium. Though poorly provisioned, Aesernia made a heroic resistance; but Venafrum was given into the power



COIN OF
NUCERIA.⁷

Marsian into the Sabine country. The headwaters of the two rivers, separated by Mounts Grani and Carbonario, are, however, but five miles apart, and the Roman troops no doubt were intrenched behind them both, thus protecting the whole of Latium against the Marsi.

¹ The position of Perperna is not stated by Appian; it may possibly have been between Rutilius and Pompey.

² ΔΟΥΚΑΝΩΜ. Jupiter walking. Reverse of a Lucanian coin.

³ These positions are nowhere laid down, either in Appian or in Diodorus; hence the Social war is usually an inextricable chaos. They, however, became evident, as does the plan of the campaign, from an attentive study of the localities and events of the war.

⁴ 'Ὡς ἐπ' οἰκίῳ καὶ γείτονι μάλιστα ἔργω. (App., *Bell. civ.*, i. 40.)

⁵ Cicero, in *Pis.* 36.

⁶ Cf. Diod., xxxvii., *Frag.*, and Livy, *Epit.* lxxiii.

⁷ ΝΥΚΡΙΝΥΜ ΑΛΑΦΑΤΕΡΝΥΜ, in Oscan characters. A wolf. Reverse of a bronze coin of Nuceria.

of Egnatius by treason, and its garrison massacred. The defeat of Perperna completed the destruction of this line, with which the Senate had hoped to surround the headquarters of the insurrection. Through the breach which he had thus made Papius Motulus, the Italian consul, invaded Campania, leaving a blockading corps to besiege Aesernia.¹ Avoiding the strong cities of the northern part of Campania, Motulus hastened southward, where he had secret friends. Treason gave Nola into his hands; and its garrison of two thousand men were received into his army, with the exception only of the officers, whom he condemned to perish by starvation. From this time it became the established custom of the Italian generals to make this distinction among their Roman prisoners, putting to death the knights and nobles, and enrolling the slaves and common soldiers in their own army.

The cities on the shores of the Bay of Naples and the Gulf of Salerno, Minturnae, Salernum, Stabiae, Herculaneum, Pompeii, and Liternum were constrained to join the allies; a few other cities yielded, and the Italian general obtained in all ten thousand foot-soldiers and one thousand horse; he also armed all the slaves who came to him. But Naples, which even after the war refused citizenship, remained faithful as in the time of Hannibal; Nuceria, surrounded by places which had yielded to the enemy, stood firm; and Acerrae, a few miles south of Capua, braved with heroic resistance all the efforts of the allies; while Capua, filled with Roman citizens, served the troops as arsenal and place of refuge. The second year of the war, Magnius, a Capuan, levied a whole legion at his own expense in the country of the Hirpini.

The access to Latium from the south was closed; but at the very gates of Rome a little nation, the Tiburtini, for a moment wavered in their fidelity to the Republic. From their city the Capitol was visible, and they had command of the military road



COIN OF ACERRAE.²

¹ The city compelled its slaves to go out, and they were made welcome in the camp of the besiegers; also the two Roman leaders L. Scipio and L. Acilius made their escape. The people in the city were reduced to eating dogs *καὶ τᾶλλα ζῶα*. (Diod., *Exc. Vat.* ii. 119, and App., *Bell. civ.* i. 41.)

² Jupiter and a victory in a quadriga. AKERL, the city's name in Oscan, and four balls, indicating a *triens*. Reverse of a bronze coin of Acerrae.

which, following the course of the Anio, plunged into the mountains and gave access to the country of the Marsians. It was therefore of the first importance to prevent the defection of Tibur. The Senate used no violent measures; but a decree proposed by the praetor L. Cornelius assured the Tiburtini that the Senate relied



LUCIUS CORNELIUS.

upon their fidelity,—an excellent means of leading them to renounce their design, if they had formed one, by showing them that they had already become objects of suspicion.¹

Half Campania meanwhile had been lost, and the cities of Lucania and Apulia, feebly assisted, had fallen one by one into the power of the enemy; Grumentum, the strongest place in Lucania, being left exposed by the defeat of Crassus, was taken by Lamponius,² and Judacilius made himself master of Canusium and Venusia. Pinna, also in the country of the Vestini, yielded, but not until after the inhabitants had seen their children, who were in the enemy's hands, brought out in view of the walls and threatened with death, and had still refused to surrender.³

Other greater successes brought encouragement to the allies. Caesar, in the endeavor to relieve Acerrae, fell into an ambush laid by Egnatius in a narrow gorge, and could not rally the remnant of his army until they had fled as far as Teanum,⁴ the position which, after the battle of Cannae, the Romans had made the base of their resistance. In the mean time the other consul, Rutilius, being drawn by Vettius Scato into an ambuscade on the

¹ . . . *De iis rebus peccatum non esse*. This senatus-consultum is still extant (Orelli, No. 3,114); it has no date, but many reasons lead to the conclusion that it belongs to the period of the Social war. With this bronze tablet there was also found at Tivoli the bust of the praetor Cornelius, which we give from the *Iconographie romaine* of Visconti, pl. iv. No. 6.

² A fragment of Diodorus seems to begin at this point a narrative of a single combat between Lamponius and Crassus.

³ Diod., *Frag.* xxxvii. 20, and *Exc. Vat.* ii. 119.

⁴ Appian wrongly places this defeat after Caesar's victory, of which mention will be made later.



GULF OF SALERNO (FROM THE NORTH)

other side of the Tolenus, perished there with a portion of his army. Marius was not far distant; and, notified by the sight of many dead bodies floating down the Tolenus that an action had taken place, he made haste to cross to the enemy's side of the river, and to seize upon the camp of the victors, who were occupied in gathering their spoils on the battle-field.

After the defeats of the two consuls came that of Pompeius, against whom three Italian generals were united, the successes in the south having left them free to move northward and join their forces to arrest his advance. It had been the design of Pompeius to besiege Asculum; but, defeated by superior numbers, he had fallen back upon Firmum, where Afranius held him fast. This retreat upon the Adriatic left Umbria unprotected; numerous Italiot emissaries hastened thither, and soon the fidelity of the Etruscans and Umbrians began to give way.¹ In Latium, even, there were symptoms of danger; and it is probable that at this time it was known that the allies were intending to send a deputation to Mithridates. Consequently, when news of all these disasters and perils was received at Rome, — when, especially, the dead bodies of Rutilius and other persons of importance who had been slain, were brought home, — the mourning in the city was as great as in the darkest days of the Second Punic War. To prevent discouragement from spreading among the people, who were much more impressed by the imposing funeral rites customary at the time than by the mere fact of the deaths, the Senate limited the time of mourning, and made a decree that for the future the funeral rites should be performed where the deceased had fallen, whether he were chief or soldier. Another *senatus-consultum* ordered all citizens to assume war dress; even the freedmen were armed, and were formed into twelve bands, who were posted at Ostia, at Cumae, and all along the Appian Way.²

Fortunately for Rome, her geographical position, which in the past had been so helpful to her growth, now served as her salvation. Placed behind the line of battle, and in a central position per-

¹ Appian, *Bell. civ.* i. 47.

² To Appian's mention of Ostia and Cumae we add this reference to the Appian Way, — a road which traversed the whole of Latium, at that time in a state of ferment. The allies had no vessels; hence it was needless to garrison the coast. Besides, from Minturnae to Sinuessa the Appian Way nearly follows the coast, while elsewhere it is distant from it but a few miles.

mitting her to receive by her river all needful supplies, and by her military roads to send them rapidly forward to her legions, she fed her armies without difficulty, and caused them to act in concert, following a plan determined in advance by her best generals. The Italians, on the other hand, without ships and without harbors, were hampered by the lack both of food and munitions. Communicating among themselves only across the central mass of the Apennines, where rise the highest summits of the chain, they



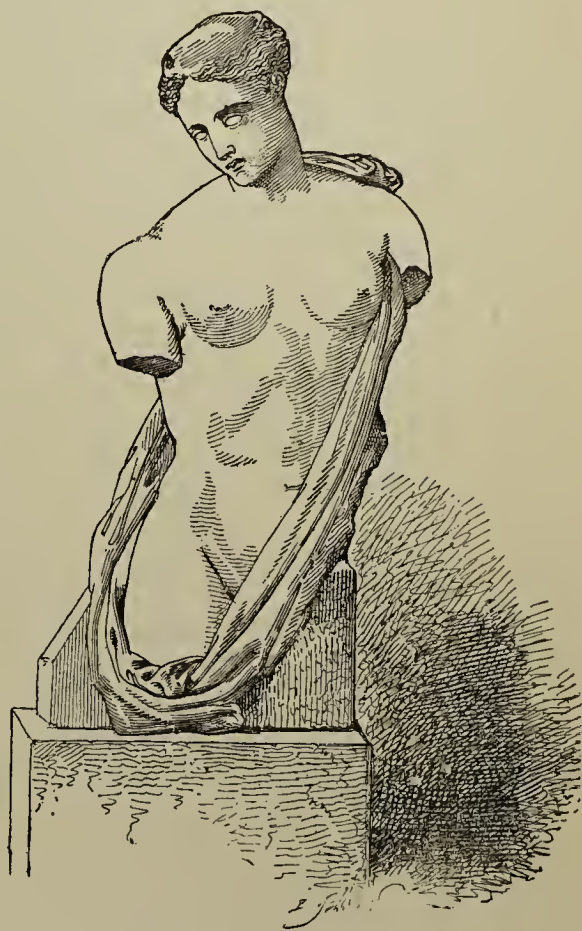
ROMAN BRIDGE UPON THE OSTIAN ROAD.

could not concert their movements, and frequently attacked at random. They lacked siege material; and after they had taken a few cities by surprise or treason, they could do no more. Finally, they had no foreign aid; while Rome had many allies whom her great reputation kept faithful. But a few months elapsed after the beginning of hostilities before the assistance which Rome had asked from the kings and nations friendly to her began to arrive. Sicily distinguished herself by her eager-

ness in furnishing all kinds of supplies needful for armies.¹ Ten thousand Cisalpine Gauls whom Sertorius had brought to the consul Caesar, after his defeat by Egnatius, and many thousand Moors and Numidians who came to him from Africa, gave him confidence again to take the offensive. He marched upon Acerræ, between Naples and Capua, for the purpose of raising the siege of that town; and, notwithstanding the desertion of many of the Numidians when Motulus exhibited to them in royal attire Oxyntas, a son of Jugurtha, found in exile at Venusia, Caesar slew six thousand of the enemy, and was able to throw a body of troops into the town. This news, arriving at Rome, calmed the public mind; and the toga, which had been laid aside for military dress, was resumed.²

In the north, the legate Sulpicius, after defeating the Pelignians, had hastened to the aid of Pompeius, at that time shut up in Firmum. A double attack, concerted by the two Roman generals, put the allies to flight; and Pompeius at once proceeded to close the approaches to Umbria by recommencing the siege of Asculum.³

The Senate had united what remained of the defeated army of Rutilius with the troops under the command of Marius and Caepio; but, distrusting Marius,



PSYCHE [OR VENUS?] OF CAPUA.⁴

¹ *Siciliam nobis non pro penaria cella, sed pro aerario illo majorum vetere ac referto fuisse, nam sine ullo sumptu nostro, coriis, tunicis, frumentoque suppeditando, maximos exercitus nostros vestivit, aluit, armavit.* (Cic., in *Verr.* II. ii. 2.)

² Livy, *Epit.* lxxiii.; Orosius, v. 18.

³ Asculum was upon the Via Salaria, the only road crossing the Apennines into Picenum.

⁴ Torso of an admirable statue found in the Capuan amphitheatre (*Mus. Borbon.* No. 203).

had given equal authority to the two generals;¹ and Caepio, dazzled by a slight success, allowed himself to be again drawn into a snare by Pompaedius Silo. The proconsul and a great number of Romans were slain. This disaster, and the loss of Aesernia, which at last yielded, compelled the Senate to give to Marius, instead of the insignificant force hitherto intrusted to him, the whole of the original consular army. The veteran general soon restored discipline; and by skilfully choosing impregnable positions, checked the victorious Marsians. "If you are so great a general," one of the leaders of the allies said to Marius, "why don't you come out and fight?" "If you are so skilful, why don't you force me?" the Roman rejoined. He did, however, fight them at last, and killed the praetor of the Marrucini, Herius Asinius. But the peasant of Arpinum, the former accomplice of Saturninus, the man who had given citizenship and a place in his legions to so many Italians, was reluctant to fight against the party he had formerly favored, and in which he still had his best friends. On one occasion his army and that of Pompaedius chanced to meet; friends and kindred recognized one another; they called out to each other by name, and exchanged salutations; while even the two generals allowed themselves to converse as friends, and discuss the prospects of the much-desired peace. The soldiers on both sides finally mingled freely,² and the scene was like a meeting of townsmen for some peaceful object.

Had Marius been at this time, as he was during the Cimbrian war, in command of all the forces of the Republic, it may well be believed he would then have made an end of the Social war, and again have had occasion to say that amid the clash of arms he had failed to hear the voice of law. But the Senate, suspicious of his intentions, had left him powerless to decide alone upon the conduct of the war; and at this very moment Sylla, his former lieutenant and now his enemy, was following him with an army.

Sylla had made his way but slowly hitherto. In 94 he was defeated at the elections, only obtaining the praetorship the following year by the use of money. When he threatened an ex-consul with his official authority the other had retorted: "You do well

¹ Livy, *Epit.* lxxiii. ; *Aequatum ei cum C. Mario esset imperium.*

² Diod., xxxvii. : Ἡ πᾶσα σύνοδος ἐκ πολεμικῆς τάξεως εἰς πανηγυρικὴν διάθεσιν μετέπεσεν.

to use it; doubtless it is indeed yours — by right of purchase!" Being sent into Asia, though without an army, to keep Mithridates in check, he had driven the King out of Cappadocia, and had returned to Rome with a high reputation as a skilful diplomatist. An offering placed in the Capitol by Bocchus, representing himself delivering up Jugurtha to the quaestor of the Numidian army, had deeply incensed Marius. He had sought to destroy these statues; and the matter would doubtless have come to violence, had not the Italian insurrection supervened. Marius avoided energetic action in this war. On one occasion he had refused to complete a victory; and all the profit and honor of the day fell to the share of Sylla, who had followed the enemy, routed them, and gained an entire success. In all this Marius showed himself unchanged. As tribune he had caused the defeat of a popular law; as consul he had publicly reviled the Senate. He was a friend of Saturninus, yet caused his death; a partisan of the Italians, yet fought against them at the head of the legions of Rome, and these he held back on the eve of victory; his conduct was always in contradiction to his convictions. Compromised in the eyes of the Senate and the people in the affair of Saturninus, he had exiled himself from Rome; and now, after doing harm enough to the Italians to make them regard him as an enemy, yet not enough to secure the gratitude of the Romans, he resigned his command, alleging infirmities, and withdrew, angry and envious, to his villa at Misenum, while Sylla came forward to take his place and to found his own fortunes by the same war in which those of his rival had been ruined.



BOCCHUS DELIVERING JUGURTHA TO SYLLA.¹



FAESULAE.²

While the military movements of which we have spoken were going on in Campania and the country of the Marsians, two praetors had been sent to display the standards of Rome to the Umbrians and Etruscans, and to chastise two cities, Faesulae and Oriculum,³

¹ Sylla, seated between the kneeling Bocchus and Jugurtha, the latter being bound; behind Sylla the name Felix, which he assumed later. Reverse of a silver coin of the Cornelian gens.

² Flying gorgon. Silver coin of Faesulae.

³ Flor., iii. 18; Livy, *Epit.* lxxiv. Oriculum, which had enjoyed great prosperity,

which had sided with the Italians. This moment of unexpected good fortune was seized by the Senate to make a concession which should not have the appearance of being extorted. The Julian law of the consul Caesar offered citizenship to all inhabitants of cities not involved in the revolt, on condition that the person desiring this honor should come to Rome within sixty days, and declare before the praetor that he accepted all the rights and obligations of the *jus civitatis*.

This concession, which confirmed the fidelity of some, while exciting the hopes and regrets of others, was one of the ablest



MOSAIC FROM ORICULUM.

strokes directed against the Italian confederation. In order to conquer her enemies Rome introduced divisions among them; it was her old, and always successful, policy.¹

owing to its position on the Flaminian Way, is called in some inscriptions *splendidissima civitas*. The admirable mosaic represented here, now in the Vatican, was found in this city.

¹ [It is, however, certain that this great concession *was* extorted from a reluctant majority of the Senate by the real fear of the Italian power. The defeats of Rome were such that had she not weakened her enemy, another campaign might have brought her to her knees. — *Ed.*]



MOSAIC AT OCRICULUM (DETAIL OF A SECTION).

III. — SECOND AND THIRD YEARS OF THE SOCIAL WAR (89–88).

ROME, taken unawares in the first year of the Social war, had, for the time, experienced only reverses ; during the last months of the year success seemed evenly divided ; but the second year

ASCOLI (ASCULUM).¹

opened with a general attack on the part of Rome.² The new consuls, Cn. Pompeius and Porcius Cato, opposed the confederates in the north. Sylla, who was the consular legate of Porcius, and J. Caesar, who remained as proconsul in command of the southern army, were ordered to drive Papius Motulus out of Campania ; the praetors Cosconius and Luceius were to recover the cities of Apulia, and Gabinius those of Lucania. The very considerable forces intrusted to these generals placed them in a position to fulfil the expectations of the Senate. Porcius penetrated the Mar-sian country, and attacked the allies repeatedly ; but at last fell, mortally wounded, in the attack upon a camp near Lake Fucinus,³

¹ From an engraving of the sixteenth century. *Bibliothèque nationale.*

² Diod., xxxvii. 2.

³ It is thought possible that he was killed by the younger Marius in revenge for severe language used respecting his father. (Orosius, v. 18 ; Vell. Patere., ii. 16.)

and the Marsians took advantage of this success to send an army into the region of Etruria, and again attempt to rouse the inhabitants.¹ Pompeius, who was blockading Asculum, came out of his camp, defeated the Marsian corps, and returned to draw more closely the lines of the siege. Judacilius, however, succeeded in

passing through the lines; Asculum was his native town, and he was determined either to save it or perish with it. In the city he found only discouragement. Feeling, then, that the allies' cause was hopeless, he caused a funeral pile to be erected in front of the principal temple and a couch prepared upon its top; he then gathered his friends for a last banquet, took poison, and, lying down upon the pile, ordered it to be set on fire. These brave soldiers were of savage temper, and the men of that day loved vengeance. Judacilius had despatched before him all the inhabitants of the city who were suspected of desiring peace. The rest had no better fate. When Asculum opened her gates the victors spared none save the women and children.²



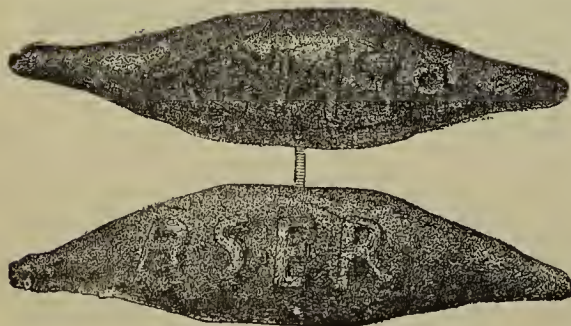
NO. 1.



NO. 2.



NO. 3.



NO. 4.

SLING-MISSILES FOUND AT ASCULUM.³

¹ Appian, *Bell. civ.* i. 50; Vell. Patere., ii. 21.

² Livy, *Epit.* lxxv., lxxvi.; Flor., iii. 18.

³ The earthworks recently constructed under the Roman ramparts of Asculum have brought to view, especially in the bed of the Fiume di Castello, an affluent of the Tronto, many leaden projectiles to be used in slings. Of these a number bear a double inscription, proving that they served both sides in turn. These inscriptions are names of chiefs, devices, insults addressed to the enemy, even revelations made by traitors. No. 1, *Pompe[ius]*, first inscription; *Judacil[ius] Picen*, second; missile thrown first by the besiegers, and sent back by the city. No. 2, *Fricas Rom[anos]* ("You rub the Romans"). No. 3, *C. Marius*; this general was not present at the siege,

To save this bulwark of the league, Vettius Scato had marched thither with a large force. The armies for some time hesitated to engage. Parleys took place; and Cicero, at this time serving his first campaign, was present at an interview between Scato and the consul's brother, who had ties of hospitality with the Italian. "By what title shall I address you?" said Sextus Pompeius; and the Marsian replied: "Call me your host; in spirit I am so still, although by necessity I am your enemy."¹ They failed to come to an agreement. The action was severe, and the retreat of the Italians disastrous. They fled in midwinter across the crest of the mountains. Pompeius, following them in hot haste, found whole cohorts which had fallen exhausted in the snow and had perished from cold. Scato, their leader, also perished. A story



NO. 5.



NO. 6.



NO. 7.

SLING-MISSILES FOUND AT ASCULUM.

but he doubtless sent Pompeius munitions bearing his name. No. 4, *Peristis servi* ("Death to slaves"); upon another we read, *Feri Cassium* ("Strike Cassius"); upon still another, *V[indicamus] justa* ("We claim that which is just"). These three missiles prove that a battle with the gladiators of Spartacus took place under the walls of Asculum; we know that a general of the name of Cassius commanded in that war. Fifty years later this city saw other military events, of which history says nothing; but there are found leaden projectiles cast for the war of Perugia in the year 40: thus No. 5 bears on one side in Oscan characters, that are to be read backward: *C[aius] Paapi Cai [filius]*, which were the names of the great leader Papius Motulus, and on the other side: *L. XI. DIVOM IVLIVM* ("Eleventh legion, the divine Julius"). No. 6, *L. Antoni periste* ("Death to L. Antonius"), the brother of the triumvir who had shut himself up in Perugia. No. 7, *M. Anto. imp.* ("M. Antonius imperator"). This was a missile which the enemies of Octavius marked with the name of their leader.

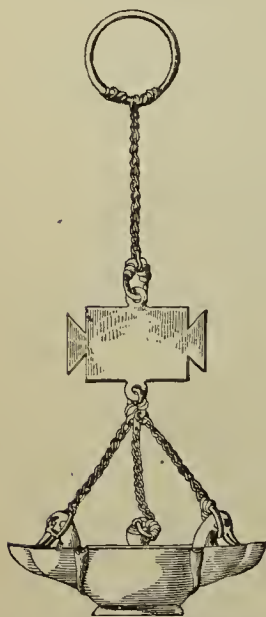
M. Ernest Desjardins, from whom we borrow these illustrations and their description, has placed beyond all doubt, in his learned work on the leaden missiles found at Ascoli, the authenticity of these curious relics. The custom of inscribing upon projectiles names, threats, insults, or even traitorous information, was habitual. (See Caesar, *Bell. Hisp.* 13, 18, and 19.) We shall presently have more to say in respect to the war of Perugia.

¹ Cicero, *Philipp.* xii. 11.

was told of his last moments, which Seneca, the great declaimer of philosophic sentences, has preserved to us. "Being made prisoner, he was brought before Pompeius; when one of his slaves who followed him, snatching a sword from a soldier of the guard, struck Scato, crying out, 'I enfranchise my master; it is my turn next,' and killed himself."¹ The story is extremely theatrical, but by no means impossible.

The defeat of Vettius Scato² was followed by the submission of all the neighboring nations, the Marrucini, the Vestini, and the Pelignians surrendering at discretion, and even the Marsians

laying down their arms.³ Upon his return to Rome Pompeius obtained a triumph. Behind his chariot walked a boy destined one day himself to be consul, Ventidius, the Asculan. In Apulia the praetor Cosconius had defeated and killed Egnatius, the ablest of the generals of the allies, and after him the Samnite Trebatius. Most of the cities opened their gates to the Roman general. In two days he had subjugated the Peucetians, on the north of Tarentum, and Brundisium; so that when Metellus Pius had recovered Venusia,⁴ the whole province was restored to peace.



BRONZE LAMP FOUND
AT STABIAE.⁵

Caesar having died of illness early in his proconsulship, the whole weight of the war in Campania had fallen upon Sylla, who had exhibited in this campaign his wonted zeal and activity. Stabiae, the first to be attacked, was destroyed, and Herculaneum and Pompeii surrendered; near Pompeii, Sylla, after a first rebuff, forced the

¹ *De Benef.* iii. 23.

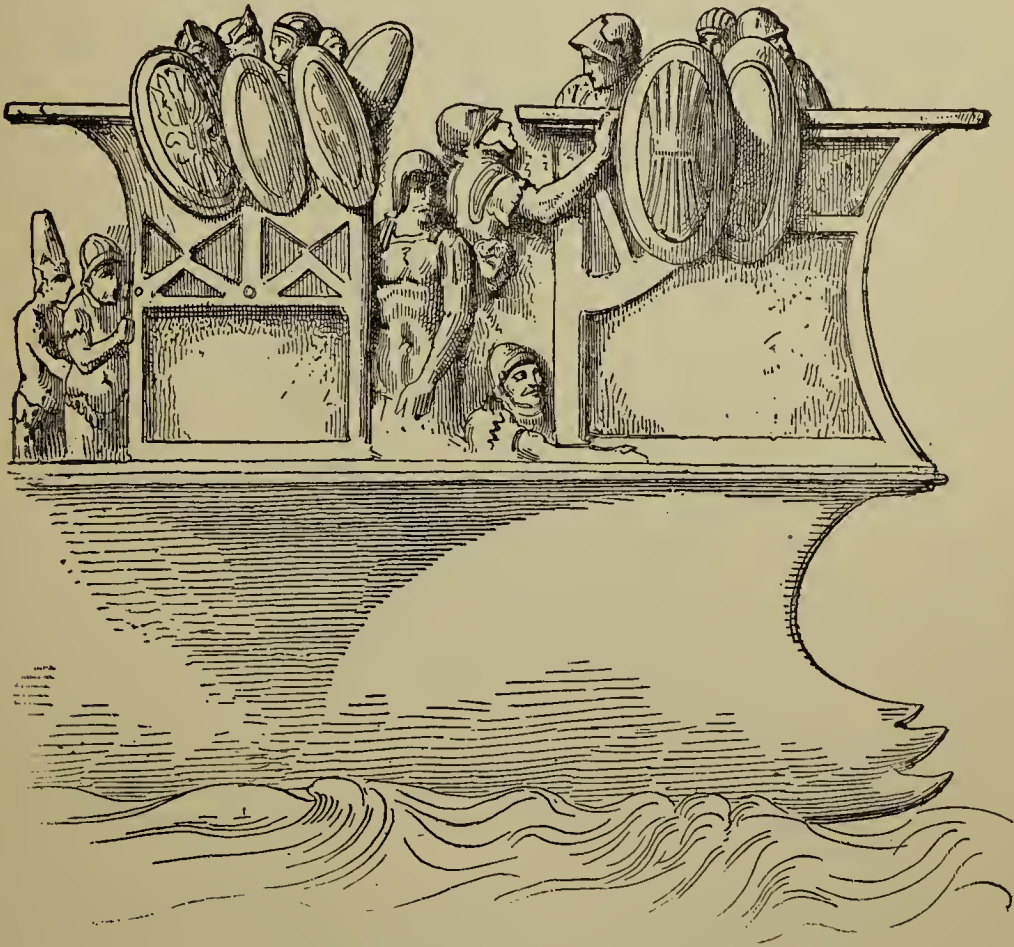
² Livy (*Epit.* lxxvi.) attributes the subjugation of the Marsians, *aliquot præliis fracti*, to Murena and Metellus Pius. Velleius Patereulus (ii. 21) gives to the allies in this battle more than sixty thousand men, and seventy-five thousand to the Romans. This is evidently an exaggeration. Appian (*Bell. civ.* i. 50) speaks only of five thousand slain.

³ App., *Bell. civ.* i. 52. *In deditionem accepit.* (Livy, *Epit.* lxxvi.)

⁴ The taking of Venusia possibly occurred in the following year (88). (Cf. Diod., *Fragm.* xxxvii.)

⁵ This double lamp, found at Stabiae in 1782, is preserved in the museum of Herculaneum. At the time it was found, the wick, folded in the interior of the vessel, was perfectly intact, after an inhumation of seventeen centuries. (Roux, *Herculan. et Pompéi*, vol. vii., Third Series, pl. 39.)

lines of the Samnite Cluentius, and pursued him as far as the city of Nola. There he found a formidable camp; and in an imprudent attack upon it, a portion of his army narrowly escaped destruction. He rescued them, however, and received from them the finest of all the military rewards, the obsidional crown.¹ Cluentius had been killed in the conflict.

MARINES FIGHTING ON SHIPBOARD.²

Livy relates an occurrence of this campaign which is almost unparalleled in the history of Rome; the admiral of the fleet, Postumius Albinus, ordered to act in concert with Sylla, was slain by mutineers, who accused him of treason.³ The accusation was certainly false; but these marines, recruited from the very lowest

¹ Appian (i. 50), for the first time since the beginning of the war, gives large figures, — thirty thousand men slain in the rout, and twenty thousand in the second battle.

² Scheffer, *Mil. nav.* in *Addend.*

³ *Epit.* lxxv.

classes, had not the ingrained respect of the legionary for discipline.¹ "These men are mine," said Sylla, "since they have committed a crime;" and in expiation he required from them a victory, — which they gave him by the defeat of Cluentius.

By these three successes, that of Pompeius in the northeast, Sylla in the southwest, and Cosconius in the southeast, the allies were, as they had been in the first Samnite war, driven out of the plains which extend along the base of the Apennines. Since the Pelignians had abandoned the cause, the allies had transferred their senate and seat of government to Bovianum.² Pompaedius Silo was placed in command of their remaining forces, now but thirty thousand men;³ but he called the slaves from all sides to liberty, and armed as many as twenty-one thousand of them. Papius Mutilus had had recourse to the same expedient in Campania, Judacilius in Apulia,⁴ and the last Italian army endeavored to call out the Sicilian slaves. Rome herself had armed her freedmen; it was quite as much a Servile as a Social war.



COIN OF
BOVIANUM.⁵

Pompaedius sought to bring also upon Rome a foreign war by asking aid from Mithridates, who received at the same time secret appeals from the provincials of Greece, Africa, and Asia. It became needful that Rome should put an end to this war; for all whom she oppressed were about to rise and unite. The last blows were struck by Sylla. Deceiving Motulus by skilful manœuvres, he crossed mountains reputed impracticable, and

¹ This spirit of discipline was, however, beginning to be enfeebled. Of this we have already had many proofs. Still another was given in this war: Porcius Cato would have been stoned by his mutinous soldiers if, as Dion Cassius relates (*Frag.* 100), they had found stones in the ploughed fields where they were encamped; failing this, they threw at him clods of earth, which did him no harm.

² Diodorus, xxxvii. 2.

³ Diodorus (*ibid.*) calls *μεγάλην δύναμιν* this army of thirty thousand men that had been gathered with difficulty by calling out all who had already served; the armies in this war were, it is evident, not so strong as the rhetoricians have represented them. Florus (iii. 18) regards this war as more formidable than that of Hannibal, and Velleius Paternulus affirms that it cost Italy three hundred thousand men; but he magnifies the forces of Cinna in the year 84 to thirty legions, and the losses in the two Servile wars to one million of slaves. With but one exception, Appian speaks always of moderate losses: Caesar, before Aesernia, loses two thousand men; Perperna, four thousand; Crassus, eight thousand, etc.

⁴ Appian, *Bell. civ.* i. 42: *δούλους ἐστράτευσεν*.

⁵ SABINIM (written backward). Soldier standing, a kneeling ox at his feet. Reverse of a silver coin of the Social war, attributed to Bovianum. One of the results of the Social

suddenly appeared in the neighborhood of Aesernia. The Italian consul hastened thither to save so important a place; but was defeated, and carried into the city mortally wounded. The taking of Bovianum, the second capital of the league, terminated this prosperous campaign, in which Sylla had conquered the consulship. Pompaedius Silo recovered the place later, it is true, after a



VASE FROM NOLA.¹

victorious engagement, and made a triumphal entry with the same pomp displayed by Roman generals in similar circumstances; but a short time after, he fell in a skirmish while seeking again to rouse Apulia (end of the year 89).

The Plautian-Papirian law,² which extended the benefits of

war was the closing of mints throughout Italy. Henceforth Roman money alone was current in the peninsula.

¹ A winged Hebe, with a caduceus in her hand. (*Cabinet de France*, No. 4,862.)

² The following is the text of this law as given by Cicero in the *pro Archia*, 4: *Data est civitas . . . si qui foederatis civitatibus adscripti fuissent; si tum, cum lex ferebatur, in Italia domicilium habuissent, si sexaginta diebus apud praetorem essent professi.* This law had been proposed by the two tribunes, M. Plautius Silvanus and C. Papirius Carbo. Three praetors received the declarations, — Appius Claudius Puleher, P. Gabinus Capito, and Q. Caec. Metellus Pius. "Appius," says Cicero, "kept his registers carelessly, and the levy of Gabinus took all credence from his." (*Ibid.* 5.) The Julian law had given the *jus civitatis*

the Julian law to all the inhabitants of the allied cities, from the Po to the Straits of Messina ; another of the consul Pompeius Strabo (89), which granted the *jus Latii* to the Transpadane ; and especially the judicious moderation of the Senate in the use of their victory, — took away all force and all danger from what remained of the war. The leaders of the insurrection had perished ; the Italian senate, which had taken refuge at Aesernia, was dispersed ; only the Samnites, the Lucanians, and a few cities still held out, — Nola, for instance, which Sylla, now consul, returned to besiege. Numerous bands also were haunting the Apennines. In the hope of reawakening the Servile war in Sicily, these scattered remnants of the Italian army essayed to seize Rhegium. Having been defeated in this attempt by the vigilance of the praetor, C. Norbanus, they fell back into the trackless forests of the Sila, whence they came forth to have a share in the sanguinary conflicts of the Marian and Syllanian factions. New disasters, results of former ones, were soon to fall upon the Italian peninsula — proscriptions of individuals, and military devastations of cities ; and the Italian people long remembered this warfare, in which the blood of Italy and of Rome flowed so freely. Under the emperors, men still spoke of it as a war more terrible than those of Hannibal or of Pyrrhus : *nec Annibalis nec Pyrrhi fuit tanta vastatio* ;¹ and, in truth, never in so short a time had any country so great loss of human life and devastation of cities.²

IV. — CITIZENSHIP GIVEN TO THE ITALIANS.

ALTHOUGH defeated, the Italians had forced their entrance into citizenship. They were no longer strangers in Rome ; no tribune

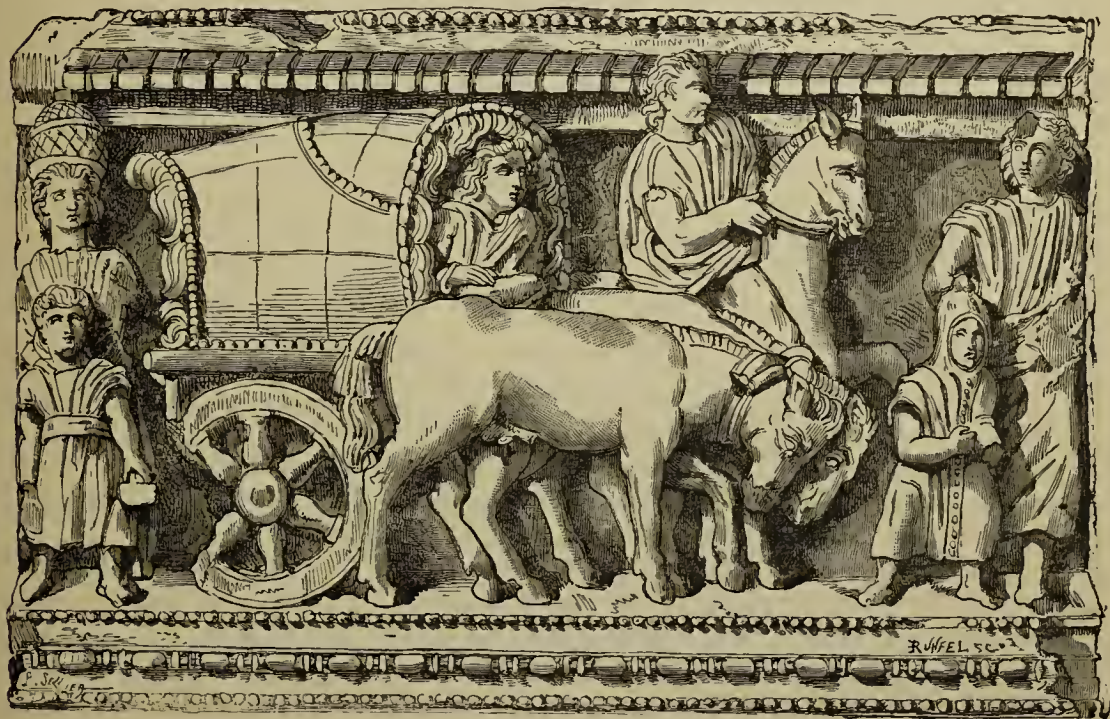
to all faithful allies : the Plautian law gave it to all the allied cities, some of which, however, as we shall see, preferred to retain their own customs ; and the Plautian-Papirian law, in order to create even in these cities a Roman party, permitted any individual of them to come to Rome and take the rank of citizen.

¹ Florus, iii. 18.

² [It was another case of wanton and stupid blundering on the part of Rome, followed by frightful consequences. Had the Julian and Papirian laws been passed three years sooner, and not extorted from the Senate by the war, all this misery would have been avoided, and the further devastation of Italy saved.—*Ed.*]

ever again should insolently drive them forth; they were sharers henceforth in the renown and the imperial power of the people-king; the Forum belonged to them; the world was theirs; they were Roman citizens.

But when, after the first excitement was past, they re-read those Julian and Plautian laws which had made so many among them ready to lay down their arms,—when they saw that it was requisite to be in Rome within sixty days to give their names to



TRAVELLERS.¹

the praetor,—many began to see that the journey was long, and the time allowed very short.² The rich, however, all hastened to Rome; and the vagabond crowd whom no ties held at home, also made their way thither. But whatever representatives of the middle class yet remained in Italy hesitated. The

¹ Bas-relief in the Louvre. (Clarac, *Musée de sculpt.*, pl. 151 bis, No. 794.) A Roman family travelling, riding the ancient cart called *carpentum*. (Cf. Saglio, p. 927.)

² The usage, later established by laws, of accepting as valid for citizenship the registration made by the local magistrates in the case of the *fundani*, was perhaps already in existence, and would have afforded relief in this matter. Still further relief was granted by the permission, which seems to have been given in certain cases, to appear by proxy (Varro, *de Ling. Lat.* vi. 86); but all had not the means of doing this, and many believed that the surer way was to obey the law strictly, and present themselves in Rome within the sixty days. The designating of three praetors to receive the declarations proves that extraordinary measures were believed requisite to provide for the registration of the new citizens.

roads were not safe; armed bands traversed the country in every direction, plundering, since they could no longer fight. Besides this, in the Greek cities most of the inhabitants were disinclined to abandon their hereditary laws and adopt those of a city devoted only to war, and despising traffic.¹ Accordingly, the petty proprietor remained upon his farm, and the trader of Naples, Tarentum, Puteoli, in his city. And so the designated time went by, and the praetor had registered but a small minority of the Italians, perhaps not over eighty thousand men.²

But another disappointment awaited the new citizens at Rome. Instead of taking their places in the thirty-five tribes already

¹ The *jus civitatis* was to be formally adopted by the people obtaining it; the nation then became *fundus* (Cic., *pro Balbo*, 8), and its inhabitants were *fundani*. But a man could not be both a citizen of Rome and of some other city; he must choose between them. (Cf. Corn. Nep., *Att.* 3.) Cicero says this in so many words: *Ex nostro jure duarum civitatum nemo esse possit, tum amittitur haec civitas . . . cum is . . . receptus est . . . in aliam civitatem.* (*Pro Caecina*, 34; cf. *pro Balbo*, 13.)

² It is generally held that all Italy gained at that time the right of citizenship; but Cicero, in his oration *pro Balbo*, speaks of certain states only who shared the right. He mentions a concession of citizenship made by Crassus to an inhabitant of Alatrium; also speaks of the Papian law, which again, in the year 66, expelled the *peregrini*. The census, too, which before the war represented the number of citizens as 394,336, gives the number in the year 86 as only 463,000. It is true that Velleius Paterculus says (ii. 15) this war cost the Italians three hundred thousand men, and the Romans as many more,—that is to say, in a period of two years more than double the number killed during the Second Punic War; but this is without doubt a very considerable exaggeration. Nor do the great Italian losses of this war account for the smallness of the increase in the Roman census. But one explanation is possible, which is that all Italy did not receive at this time the citizenship. Many cities of the allies, as Naples and Heracleia (Cic., *pro Balbo*, 8), hesitated, or, like Puteoli, refused it, as three Hernican towns had done in 306. (Livy, ix. 43.) Brundisium did not have it; for Sylla, on his return from Asia, ἔδωκεν ἀτέλειαν. (App., *Bell. civ.* i. 79.) Many other towns were similarly situated; for we are told that Cinna, at the approach of Sylla, asked help from all the cities of Italy, from those especially who had lately received the citizenship. (App., *Bell. civ.* i. 76.) His army was therefore divided, not into legions, but into cohorts, because it contained many more allies than citizens; and Plutarch says (*Mar.* 35): "The Italians having been subdued, there was no further talk of conceding to them the right of citizenship." Velleius Paterculus (ii. 17) says: *Victis adflictisque . . . quam integri universis civitatem dare maluerunt.* We shall see later that Sulpicius sells it to any who will buy; and Carbo, in 84, gave it as a reward. (Livy, *Epit.* lxxxiv.) Livy's *Epitome* expressly says of the Marsians, Vestini, and Pelignians: *in deditionem accepti*,—that is to say, reduced to the condition of subjects; of the Hirpini, Livy says *domiti*; while the Lucanians, being still in arms under Cleptius and Lamponius, and the Samnites, under Pontius Telesinus, could not have received citizenship. After these explanations it will be understood how erroneous must be the estimates founded on the assumption that the figures given by the census at Rome can be used to determine exactly the population of the entire peninsula. Niebuhr says (vol. i. p. 387), in his lectures published in London: "It is a very common, but erroneous, opinion that the *lex Julia* conferred the privilege of Roman citizens upon the Italians, who in fact never acquired those privileges by any single law, but gained them successively, one by one."

existing, there were created for them eight or ten¹ new tribes, according to the former custom, and these new tribes voted last in the comitia; so that the Roman people retained its position of superior importance. Politically, therefore, the Italians derived but an illusory advantage from this concession. In respect to civil rights, the reign of law being at an end, this new title gave them neither guaranties against oppression, nor any more security in their daily lives. Their admission to citizenship was, however, one of the greatest events in the history of the Republic, and an immense gain in the matter of equality; instead of being herself the state, Rome was soon to be only the capital. And furthermore, if certain of the Italians became Quirites, the people of the provinces might become so; already treaties permitted it to Sardinians, Spaniards, and Africans. The Germans and the Japodes, people yet too barbarous, are the only nations formally excluded.²

Meanwhile the Italians who gathered in their new capital augmented its noise and crowd and disorder. We have referred to the character of the new elements added to the population of Rome, — a few rich men, who at once united with the aristocracy, like Asinius Pollio; and all the beggars in Italy, hastening to profit by the gratuitous distributions of food, and to sell their new votes to the highest bidder. Doubtless this war did not pass over Roman society without deeply agitating it: in the lower strata there was a drawing together of all the oppressed; in the higher it had been made clear to the nobles that they could no longer monopolize the privileges of citizenship. These two facts were sure to have their results; but, for the moment, the Italian had gained only an empty title, and Rome only recruits for her mobs and for the approaching civil war.

¹ Velleius Paterculus (ii. 20) says eight; Appian (*Bell. civ.* i. 49) ten. After Sylla, we find only the thirty-five tribes again. (Cf. Cic., *de Leg. agr.* ii. 7; *Verr.* i. 5; *Philipp.* vi.) This suppression was doubtless effected by Cinna, distributing the new citizens among the thirty-five. Italy had at that time but three kinds of cities remaining, — *municipia*, colonies, and *praefecturae*. (Cic., *pro Sextio*, 14, 32; *in Pison.* 22, 51; *Philipp.* iv. 3, 7.)

² Cicero, *pro Balbo*, 14 and 18. The Insubrii, Helvetii, and some barbarians of Gaul were also excluded. At the same time that this concession was made to the allies, the tribune Plautius Silvanus (89) obtained the passage of a decree of the popular assembly taking away from the tribunals of the knights the decision in cases of high treason.

CHAPTER XLIII.

RIVALRY OF MARIUS AND SYLLA.

I. — THE DISPUTE FOR THE COMMAND IN THE WAR AGAINST MITHRIDATES.

SYLLA had gained greatly in importance since the day when, as quaestor under Marius, he had put an end to the Numidian war. With the superstition common to most great men who believe in their luck, — that is to say, in their genius, — he had devoutly cherished the memory of this first favor of the gods; and all his life he had no other seal than that representing Bocchus delivering up to him Jugurtha.¹ Marius at first took no offence; in the Cimbrian war he accepted Sylla again as his lieutenant without jealousy, and saw him obtain a victory over the Tectosagi. It was not until the year 102, when Marius had the aid of Saturninus, and resorted to low popular intrigues to obtain the consulship for the fourth time, that his lieutenant, at last remembering that he himself was the scion of an illustrious patrician house, refused any longer to serve a parvenu who was seeking to make of the consulship a royal position, without so much as thanking the nobles for their patience. Sylla now offered his talents and activity to Catulus, and contributed largely to the success at Vercellae (101). For seven years, however, he remained without further advancement, forgetting, though no longer young, his ambition in his pursuit of pleasure. At the age of forty-four he had failed in an attempt to obtain the praetorship, and had decided to buy it; after which, in order to become popular for the future, he had given magnificent public games,

¹ *Traditione Jugurthae semper signavit.* (Pliny, *Hist. Nat.* xxxvii. 4.)

among others a lion-hunt in the circus, with a hundred lions given by Bocchus (93).

The following year, being pro-praetor in Cilicia, he did two things which drew upon him the eyes of the Eastern world and the applause of the Roman people. With a small army he re-established in Cappadocia Ariobarzanes I., whom Mithridates had driven out; and he received an envoy whom Arsaces IX., king of the Parthians (called "the Great," by reason of his conquests), had sent to offer his friendship and ask that of Rome, with such haughtiness that the Parthian, it was said, returned to tell his master that there could be no doubt the Romans were a most powerful nation. This time Marius was irritated. He, too, had been in Asia, but had traversed the Asiatic countries almost unnoticed; and now his former quaestor was returning thence with great fame. Then the incident of Bocchus' votive offerings occurred, which changed this silent displeasure into violent enmity; and violence was imminent, when both generals were compelled to set off in all haste for the Marsian war. Circumstances constantly bringing them together did but envenom their hatred. We have spoken of the inefficient conduct of the one, and of the other's brilliant services. All the honor of the war redounded to Sylla, and it was not yet ended, — Nola, the Samnites, and the Lucanians yet resisting, — when the general received the reward of his zeal and of his successes. The people with unanimity gave him the consulship, and with it the command of the army against Mithridates (88).



ARSACES IX.¹

But there was another man who desired this lucrative command; and, in the hope of obtaining it, disgraced his gray hairs and his past reputation. Marius was at this time sixty-eight years of age; he had recently built himself a house near the Forum, and every day he might now be seen in the Campus Martius, sharing in the exercises of the Roman youth, riding and throwing the javelin, to show that age had not impaired his physical powers, and that the illness of which he had complained during the late war had completely disappeared. But the people looked with contemptuous pity upon this senile ambition; they recommended him to return

¹ Head of Arsaces IX., from a tetradrachm in the *Cabinet de France*.

to his elegant villa on the promontory of Misenum, or to the waters of Baiae;¹ whereupon he resorted to other measures.

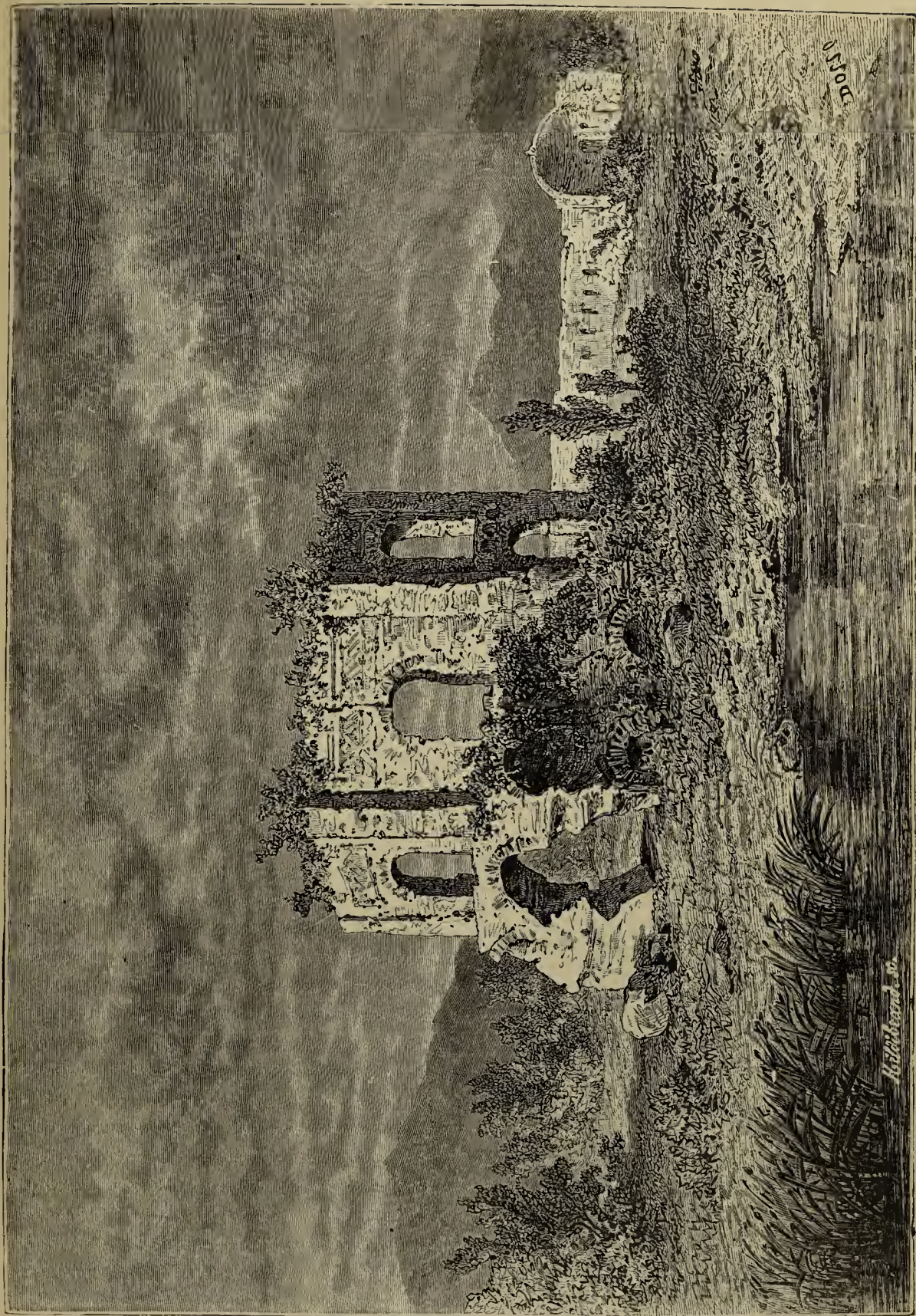
The new citizens had quickly comprehended the intentions of the Senate; their eight votes left them always in the minority, and their nobles complained of being without influence,—their poor, of finding no buyers for a worthless vote. Marius conceived the idea of employing their discontent to serve his own designs. Between himself and them an alliance was easy, their friendly relations being of early date; he made them an offer to repair the Senate's injustice and disperse them among the thirty-five tribes. As he had done thirteen years before, he made use of a tribune, Sulpicius, as the requisite lever.

Sulpicius had distinguished himself in the Marsian war, where he had served as legate under Pompeius Strabo; and in the judgment of Cicero, who had heard him, he and Cotta were the most eminent orators of his time. "Of all whom I have known," says Cicero, "he was the most pathetic, and, so to speak, the most tragic. His voice was powerful and sweet, his gestures elegant and graceful; but with the grace suited to the Forum, not that which is requisite for the theatre."² The Sulpician *gens*, one of the noblest in Rome, had doubtless, like many patrician races, a plebeian branch, to which our tribune belonged; for otherwise he could not (except by adoption, which is not mentioned) have attained to this office, which enabled him to agitate the entire Republic. He obtained his election with the support of the nobles whose interests he had served up to that time (88); and one of the consuls of that year, Pompeius Rufus, was his intimate friend. He at first supported the laws, by opposing C. Julius Caesar's attempt to obtain the consulship before holding office as praetor; and he served the animosities of the financial aristocracy by opposing the proposition to recall those who, under the Varian law, had been condemned to exile. Lastly, he demanded that any senator in debt to the amount of two thousand denarii should forthwith be excluded from the curia.

This care for the senatorial dignity, and this respect for the

¹ The full-paged engraving is from the *Voyage pittoresque à Naples et en Sicile*, Paris, 1782, vol. i., 2d part, p. 214.

² *Brutus*, 55.



TEMPLE OF DIANA AT BAIÆ.

laws appeared meritorious in an age when men no longer respected anything. The year before, a sad instance had been seen of this contempt for gods and men. The Social war had overthrown the fortunes of many, and the disturbances in Asia caused by the invasion of Mithridates had made great havoc in the financial world. Insolvent debtors clamored for the abolishment of debts, and the praetor Asellio directed the judges to grant them the benefit of the old laws against usury, — laws useful, perhaps, in a small agricultural town, but most objectionable for an empire. The creditors complained loudly, and, a tribune placing himself at their head, they set upon the praetor while he was offering a sacrifice before the Temple of Concord. Asellio endeavored to escape, and took refuge in the Temple of Vesta; the assassins, however,

CONCORD.¹

pursued him into the sacred recesses which no man was allowed to enter, and killed him there, still clad in his pontifical robes.² In vain did the Senate promise a reward to any one who should denounce the criminals. No man was willing to assist in the punishment of this murder and double sacrilege.

VESTA AND HER TEMPLE.³

The tribunes Plautius and Papirius profited by the excitement which this event caused, once more to reorganize the tribunals. A

¹ Statue in the Museo Pio-Clementino. The head of the goddess has been replaced by that of the younger Faustina, — an irreverent custom, but one much practised during the Empire. (Clarae, *Musée de sculpture*, pl. 760, No. 1,858.)

² Appian, *Bell. civ.* i. 54.

³ Veiled head of Vesta. C. CASSIUS VEST. The reverse, a round temple, surmounted by a statue of Vesta; within, a curule chair; at the left, an urn; at the right, a tablet, with the letters A and C (*absolvo* and *condemno*). Silver coin of the Cassian family.

plebiscitum deprived the equestrian order of their exclusive right to fill the judicial offices, decreeing that every year the people should appoint the members of the *quaestiones perpetuae*, each of the thirty-five tribes electing fifteen judges, to be chosen from the three orders, senatorial, equestrian, and simple citizens.¹ It was a bad measure, for the judges were chosen by those amenable to them; but still preferable to the former system, which, giving the judicial offices to a single order, made that order supreme in the state. Varius himself, who had been the agent of the equestrian order in their attack upon the Senate, being cited before the new judges, was condemned by the operation of his own law.

Meanwhile Sulpicius, who had at first appeared as the friend of the nobles, had become the tool of Marius. No other cause than this tribune's debts can be assigned for his sudden change of party. Pursued by his creditors, Sulpicius saw no way to escape from them when his term of office should have expired. Marius displayed the treasures of Mithridates before the tribune's eyes; the latter yielded to the temptation. The agreement was concluded, and Sulpicius began to play the part of Saturninus, whom from that time forward he blamed for his slowness and timidity. He surrounded himself with a guard of six hundred young men, also ruined by debts and profligacy, whom he called his anti-senate,² and was followed moreover by a crowd of Italians who wore concealed weapons. Many murders spread terror through the city. To render himself master of the comitia he proposed the recall of all the partisans of the Italian cause who had been banished by the operation of the Varian law, and the redistribution among the thirty-five tribes of the newly made citizens and the freedmen.³ The consuls Sylla and Pompeius Rufus at once proclaimed the *justitium*, or cessation of all public business. But while they were haranguing the people, Sulpicius presented himself in the Forum and demanded the withdrawal of this proclamation. The consuls refusing, Sulpicius let loose his band; Pompeius fled, after having seen the murder of his son, and Sylla only escaped by taking refuge in the house of Marius. There had as yet been no open rupture

¹ The centumvirs, or hundred and five judges, in certain civil cases had for a long time been thus selected. See Vol. I. p. 242.

² Cic., *Brut.* 89; Plut., *Mar.* 35; *Sylla*, 8; Vell. Paterc., ii. 18.

³ Livy, *Epit.* lxxvii.; Appian, *Bell. civ.* i. 55; Cic., *ad Herenn.* ii. 28.

between the two, and Marius protected him. But the latter had already gone so far that all men marvelled to see him recoil from one additional crime. Even here he had not the courage to go forward to the end. Finally, however, his cruelty came to be unhesitating. Sylla, however, refuses him credit for this moment of generosity: in his *Memoirs* he writes, that, seized by the sicarii of the tribune, he was led to the house of Marius, and there, with a poniard at his throat, forced to withdraw his proclamation.

Sulpicius, remaining master in the Forum, passed whatever laws he pleased, and, while he waited for the treasures of the king of Pontus, sold the right of citizenship for ready money.¹ He also seems to have abolished, in the interest of the knights, the Plautian law concerning the judiciary, in order to gain them over to his party:² at all events, they profited later by the proscriptions of Marius, so much so, indeed, as to acquire the appellation of "cut-purses;"³ and we shall find that Sylla regarded them as enemies, and reduced their power as much as possible. Appointed by the comitia to take the command against Mithridates, Marius sent two tribunes to the six legions encamped before Nola to assume the authority in his name; but Sylla had been before him. The soldiers, not very eager to make an Asiatic war, in which there was so much to gain, under a general who pushed discipline to the extreme of cruelty, and pillaged for himself only, stoned the envoys of Marius. After this decisive conduct, Sylla had little difficulty in bringing them back with him to Rome. The officers, however, were not so unscrupulous, and all abandoned him, with the exception of one quaestor. Luckily his colleague Pompeius came to join him, and, with the authority of the consulship, to give an aspect of legality to his proceedings.⁴ It was the first

SYLLA'S DREAM.⁵

¹ If this sarcasm of Plutarch (*Sylla*, 8) is true, Sulpicius could not have found many purchasers for the *jus civitatis*, since earlier laws had given this right to all those Italians who had been able to become citizens.

² M. Belot, in his learned *Histoire des chevaliers romains* (vol. ii. p. 263), expresses his belief that the Plautian law was not abolished until the year 80, by Sylla.

³ *Multas pecunias abstulerant ex quo saccularii appellati.* (Aecon., *ad. Cic., Tog. Cand.*, p. 90, Orelli.)

⁴ He himself esteemed this decision on the part of Pompeius as one of the most fortunate events that had ever occurred to him.

⁵ Sylla lying on the grass; on one side, a Victory holding a palm; on the other, Diana. Reverse of a silver coin of the Aemilian family.

army, for more than two centuries and a half, that had marched with standards upon Rome; but, being led by the two consuls, it had the air of hastening to the defence of the laws rather than to an

attack upon the country.

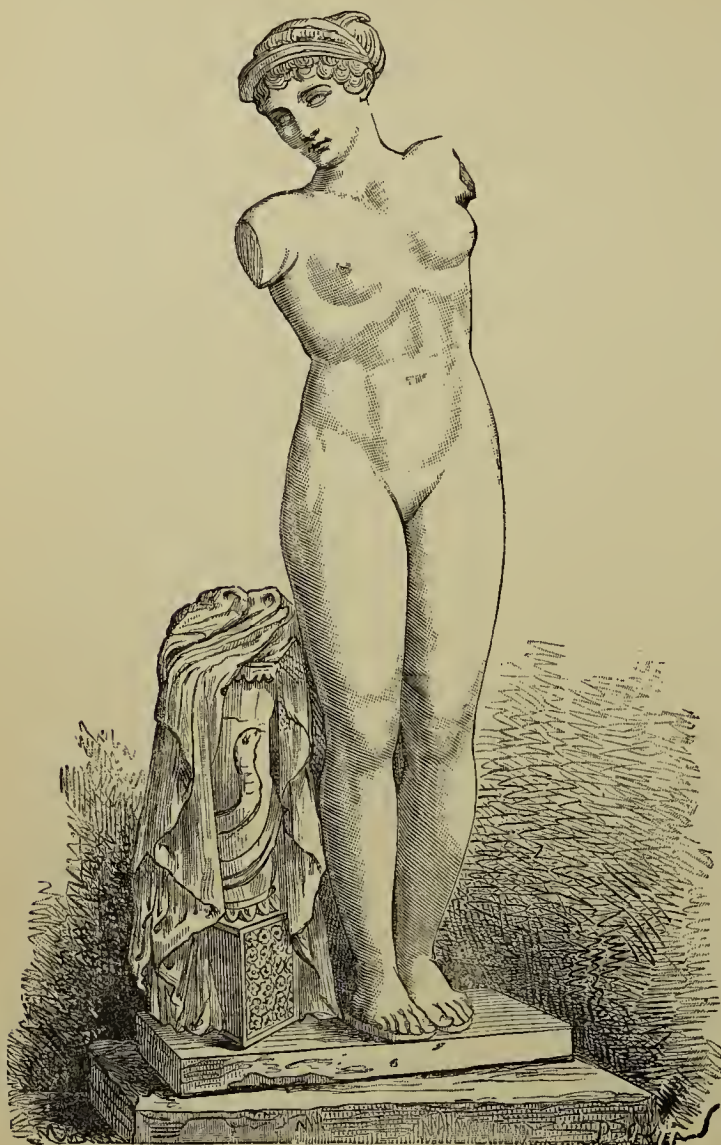
We note, however, for the sake of the lesson it holds, that this dangerous example was set by the chiefs of the aristocratic party.

Plutarch, who believes in dreams, relates that Sylla began this enterprise with a certainty of success, because he had seen in a dream a goddess (either Selene, Minerva, or Enyo, the Cappadocian divinity) putting into his hand a thunderbolt with which to smite his enemies. Sylla, very sceptical, though quite as superstitious withal as Plutarch himself, had no need of these supernatural encouragements.

From the moment when he decided to draw the

sword against men who had but a plebiscitum with which to defend themselves, his success was certain.

The Senate, ruled by Sulpicius, sent two praetors to meet Sylla, and forbid him to advance; but they narrowly escaped being torn in pieces. Other deputies came to ask his conditions: these he



THE VENUS OF THE ESQUILINE.¹

¹ Statue discovered in 1874 upon the Esquiline, on the site of the gardens of Aelius Lamia (*Gazette archéol.*, 1877, pl. 23), a work, probably, of Roman origin, whose heavy forms are widely different from the divine elegance of Praxiteles and his school.

gave, promising to come no farther, and in the presence of the envoys he caused a camp to be marked out. But, as soon as they had gone, he despatched a force to seize the Colline and Esquiline gates, while a legion, executing a flank movement around the city, established themselves on the north, at the end of the *Pons Sublicius*, in order that the attack might be made from both sides simultaneously. At daylight he entered the sacred enclosure of the Roman walls, within which neither law nor liberty now existed, but whither no Roman soldiery had ever before penetrated in arms for a fray. Marius had vainly endeavored to collect an army. The old citizens were unfriendly to him, and the new felt themselves too feeble to contend against six legions. Even the slaves, whom he promised to enfranchise, came to him only in small numbers.¹ A very unequal conflict took place near the city walls: the Marian party threw down tiles from the house-tops, and the partisans of Sylla retaliated with lighted arrows, which set fire to the buildings in many places. The latter quickly drove back their adversaries all along the Subura, as far as the Temple of Tellus, at the foot of the Esquiline Hill; and a legion, which had entered by the *Porta Trigemina*,² now appearing in the rear, the terrified crowd rushed into the side streets, and fled, their leaders having already disappeared. In the evening, camp-fires were lighted in the Forum. It was a doubly sacrilegious conflict; for at that moment Mithridates in Asia was massacring eighty thousand Romans whom this civil war rendered defenceless in his hands.

Sylla caused his troops to observe the severest discipline, and used with moderation this easy victory. Twelve persons only were proscribed, without legal proceedings, it is true, and without the right of appeal. This was the first of these fatal lists which were to take the place of justice, and to make of Rome during the next half-century a bloodier arena than that of her amphitheatres. Sulpicius, betrayed by one of his slaves, was captured in the marshes of Laurentum, and killed. Sylla freed the slave as a reward for obeying the edict, but ordered him to be thrown

¹ Plutarch (*Mar.*, 35) says that only three came to him.

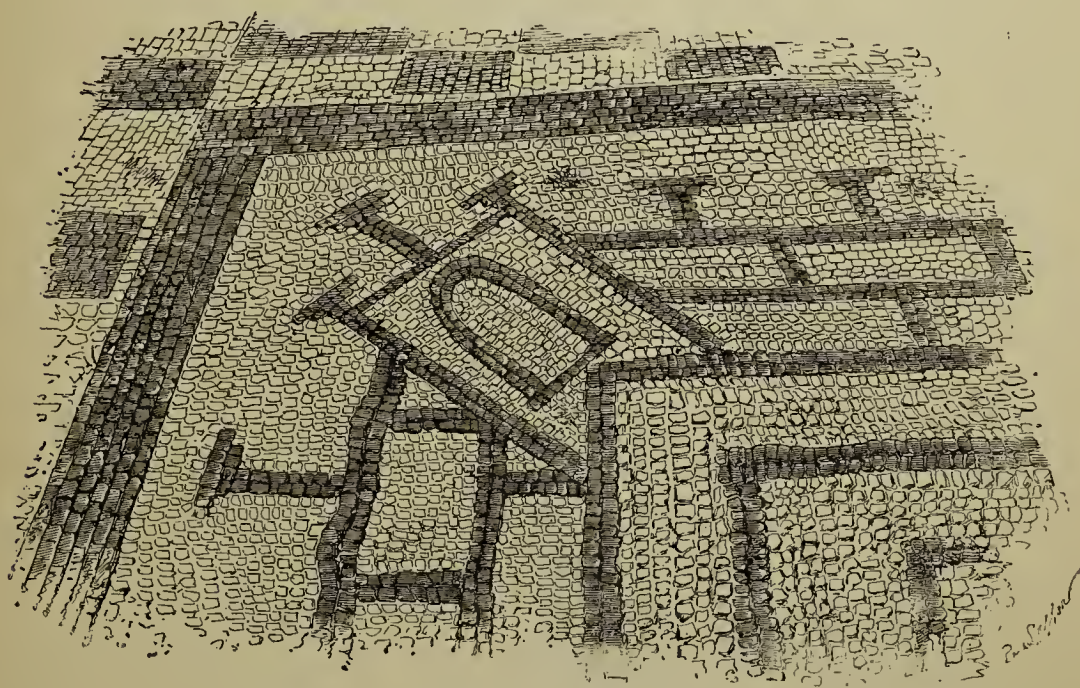
² It seems probable, at least, that this was the legion posted at the *Pons Sublicius*, which entered by the nearest gate, *Porta Trigemina*, and attacked the Marians in the rear.

from the Tarpeian Rock for having betrayed his master. The head of Sulpicius was placed above the rostra,¹ the first of those hideous trophies with which all parties, in turn, disgraced the theatre of the peaceful contests of early Rome. Marius succeeded in making his escape. Sylla had set a price upon his head, notwithstanding the opposition of Quintus Scaevola, the hereditary enemy of all violence. "You may dispose of my life," said the old man — "at my age the sacrifice is light, — but never believe that your power, or your soldiers, will make me vote for the death of a man who once saved the Republic."² On the following day, Sylla called together the popular assembly, where at this moment he was sure of finding no opposition. After explaining that he had been compelled by factions to have recourse to arms, he caused the abolition of the laws of Sulpicius, on pretence that they had been passed in spite of religious prohibitions, and the abrogation of that clause of the Hortensian law which exempted the plebiscita from the necessity of being first approved by the Senate; he also secured the passage of certain laws in the interests of debtors, the tenor of which we do not now understand.³ Thus the violent acts of Marius, endeavoring to win the popular favor, had forced Sylla to decide, and he had thrown himself into the opposite party. The one stooped to the Italians and to the slaves, in the interests of his own ambition, delivering Rome over to the lower classes: the other, to make an end of the seditiousness of the tribunes, united with the nobles, and was already meditating the establishment of an oligarchy upon the ruins of all popular liberty. However, when the time of the consular elections arrived, Sylla left full liberty to the voters. Two candidates whom he presented, his nephew Nonius and Ser. Sulpicius, were defeated. Cn. Octavius, a partisan of the Senate, was elected; and then a friend of Marius, L. Cinna, whom Sylla had endeavored to secure, before the election, by a solemn oath of fidelity to himself. The oath was taken in the Capitol, Cinna holding in his hand a stone, and declaring, in the presence of a numerous crowd, "If I keep not for Sylla the friendship I promise, I consent to be thrown out from the city, as now I throw this stone out of my hand." A strange guaranty

¹ Vell. Patere., ii. 19.² Max., III. viii. 5.³ Festus, s. v. *Unciaria lex*.

in an epoch like this, — an oath taken upon the altars of the gods! Sylla soon learned what it was worth. Upon the expiration of his term of office, the new consul caused him to be accused by a tribune.

That day, doubtless, Sylla repented his moderation, and his mind settled upon the reforms which later he should inaugurate. But, notwithstanding his brilliant public services, he was not yet in a position to speak and act as a master: it was needful for



MOSAIC AT OSTIA.¹

him to test the devotion of his troops, and strengthen himself by that military renown which has so often slain liberty. Leaving, therefore, at Rome the factious consul and the accusing tribune, he departed to join his army, and boldly embarked for Greece,² feeling certain, that, with his victorious legions and the spoils of Asiatic victory, he could at any time re-open his road to Rome (spring of 87).

¹ Mosaic of the *thermae* at Ostia, representing the walls and gate of a city.

² Plut., *Sylla*, 10; Cicero, *Brut.* 48.

II. — FLIGHT AND RETURN OF MARIUS ; PROSCRIPTIONS ; HIS SEVENTH CONSULSHIP (87–86).

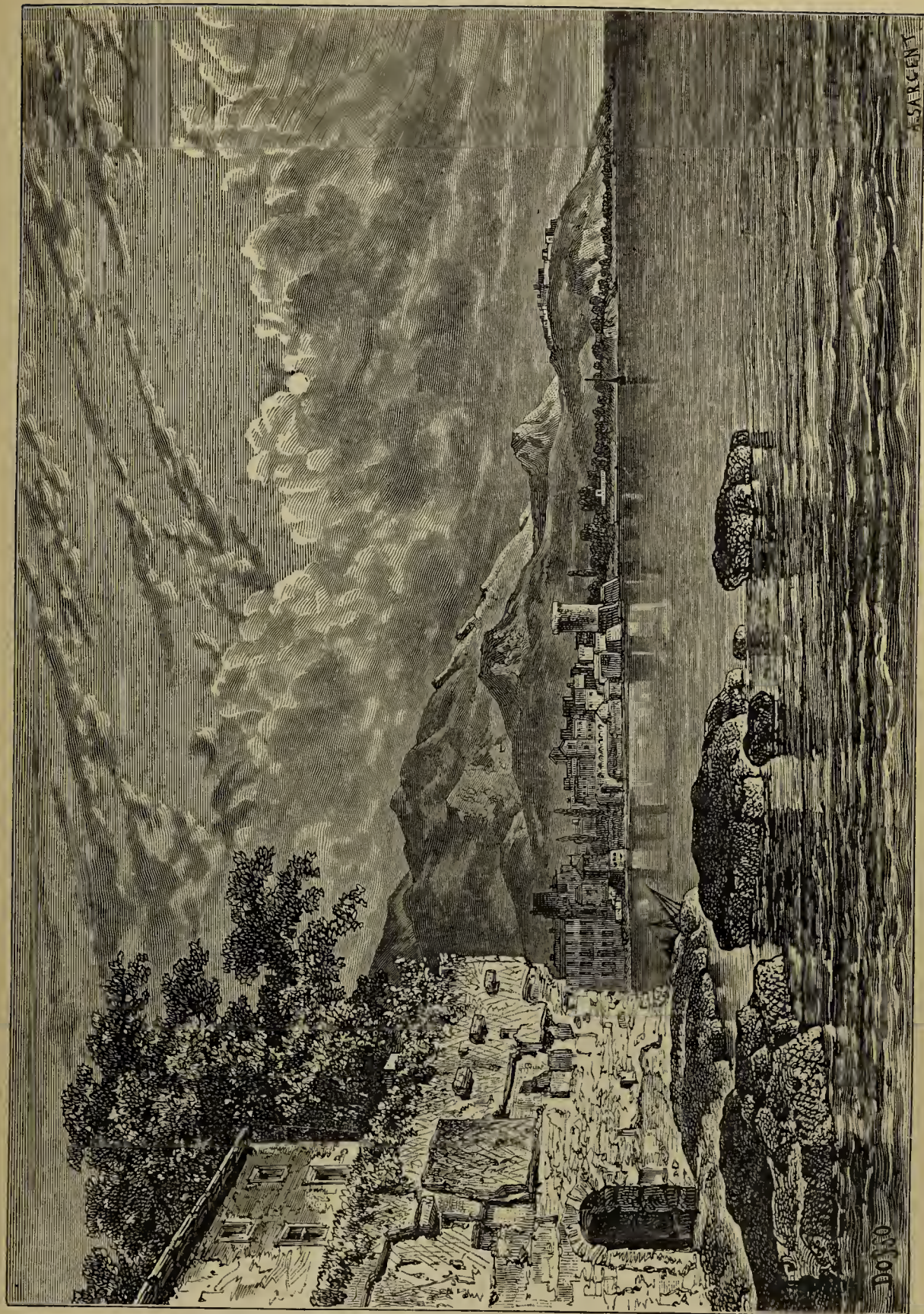
MARIUS fled from his fortunate rival. We may here follow the graphic narrative of Plutarch. "Those that were with him were dispersed as soon as he had escaped out of the city, and, when night came on, he hastened to a country house of his, and sent his son¹ to provide necessaries. He went himself to Ostia, where his friends had prepared a ship, and hence, not staying for his son, he took with him his son-in-law, Granius, and weighed anchor.

"Young Marius made his preparations, and, the day breaking, was almost discovered by a party of horse; but a farm-steward, foreseeing their approach, hid Marius in a cart full of beans, then yoking his team, and driving towards the city, passed through those that were in search of him. Thus young Marius escaped to a ship that was bound for Africa. His father, having put to sea, passed along the coast of Italy, in no small apprehension of one Geminius, a great man at Terracina, and his enemy; and therefore bade the seamen hold off from that place. They were indeed willing to gratify him; but, the wind now blowing in from the sea, they were afraid the ship would not weather out the storm. With difficulty they rounded the promontory of Caieta (Gaëta);² and Marius being indisposed and seasick, as, moreover, they were scant of food, they made for land, and reached the shore near Circeii.

"The storm now increasing, they left their ship, and wandered up and down without any certain purpose. At length, though late, they lighted upon a few poor shepherds who had nothing to relieve them, but, knowing Marius, advised him to depart as soon as might be, for they had seen a party of horse that were

¹ Livy (*Epit.* lxxxvi.) and Vell. Paterculus represent the younger Marius as an adopted son of the conqueror of the Cimbri; Appian calls him, by turns, his son (*Bell. civ.* i. 62) and his nephew (*ibid.* 87). Plutarch (*Mar.* 35) speaks of Granius, one of the twelve who were proscribed with Marius, as the latter's son-in-law.

² The illustration representing Gaëta is from an engraving of the *Aeneid*, translated into Italian verse by Annibal Caro at the expense of the Duchess of Devonshire, 1819, vol. ii. pl. 1.



GAËTA.

gone in search of him. Finding himself in a great strait, especially because those that attended him were not able to go farther, being spent with their long fasting, for the present he turned aside out of the road, and hid himself in a thick wood, where he passed the night in great wretchedness. The next day, pinched with hunger, and willing to make use of the little strength he had, he travelled by the seaside, encouraging his companions not to fall away from



ISLAND OF AENARIA (ISCHIA).

him before the fulfilment of his final hopes, for which, in reliance on some old predictions, he professed to be sustaining himself; for it is certain Marius, in his exile and greatest extremities, would often say that he should attain a seventh consulship.

“When Marius and his company were now about twenty furlongs distant from Minturnae, they espied a troop of horse making up towards them with all speed, and by chance, at the same time, two ships under sail. Accordingly they ran, every one with what speed and strength he could, to the sea, and, plunging

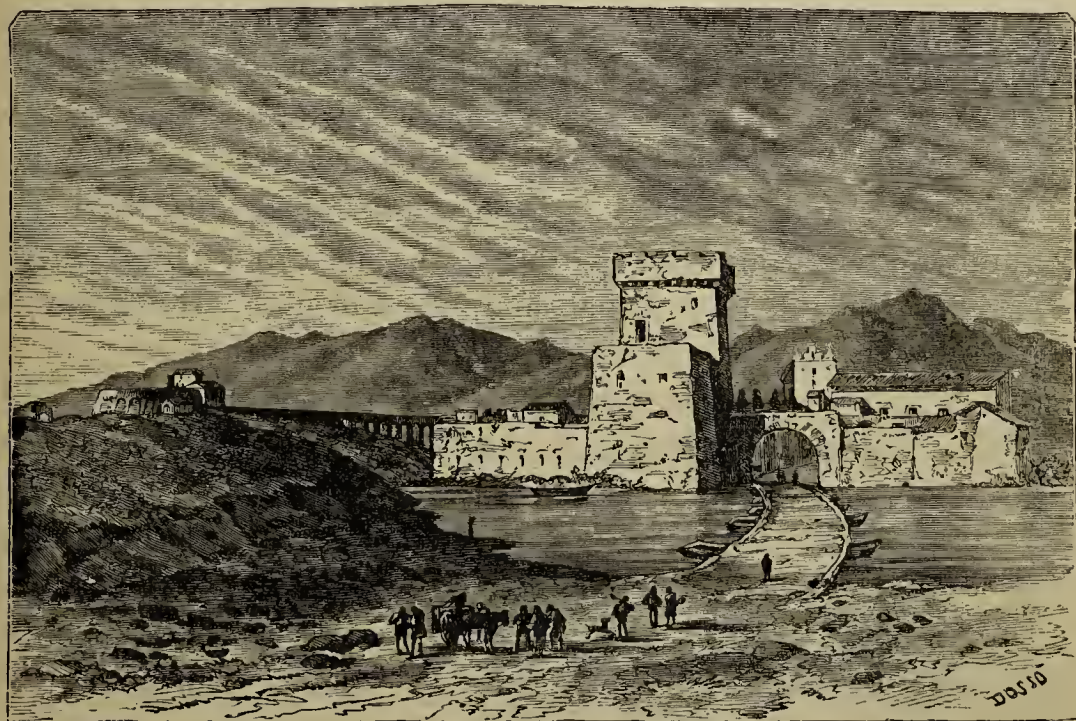
into it, swam to the ships. Those that were with Granius, reaching one of them, passed over to an island opposite, called Aenaria (Ischia). Marius himself, who was heavy and unwieldy, was with great pains and difficulty kept above the water by two servants, and put into the other ship. The soldiers were by this time come to the seaside, and thence called out to the seamen to put to shore, or else to throw out Marius; and then they might

TERRACINA.¹

go whither they would. Marius besought them, with tears, to the contrary; and the masters of the ship, inclining first to one, then to the other side, resolved at length to answer the soldiers that they would not give up Marius. As soon as these had ridden off in a rage, the seamen, again changing their resolution, came to land, and casting anchor at the mouth of the river Liris, where it overflows and makes a marsh, advised him to land, refresh

¹ Pelasgic remains of a bridge. (Dodwell, *Pelasgic Remains*, pl. 109.)

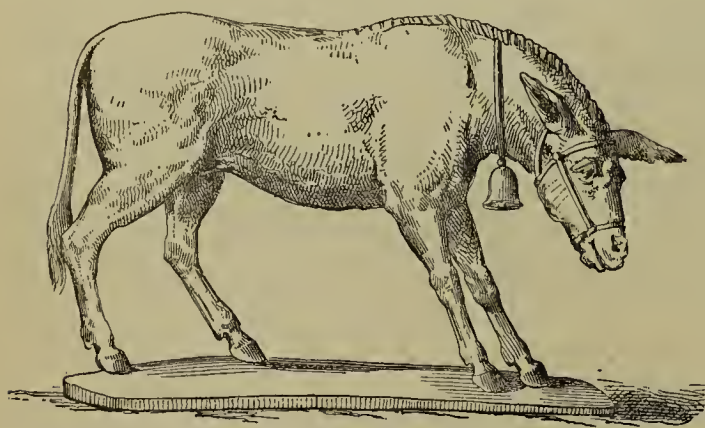
himself on shore, and take some care of his discomposed body till the wind came fairer; which, said they, will happen at such an hour, when the wind from the sea will calm, and that from the marshes rise. Marius, following their advice, did so, and, when the seamen had set him on shore, he laid him down in an adjacent field, suspecting nothing less than that which was to befall him. They, as soon as they had got into the ship, weighed anchor and departed, as thinking it neither honorable to deliver Marius into the hands of those that sought him, nor safe to protect him.

MINTURNÆ.¹

“He, thus deserted by all, lay a good while silently on the shore. At length, collecting himself, he advanced with pain and difficulty, without any path, till, wading through deep bogs, and ditches full of water and mud, he came upon the hut of an old man that worked in the fens, and, falling at his feet, besought him to assist and preserve one, who, if he escaped the present danger, would make him returns beyond his expectation. The poor man, whether he had formerly known him, or was then moved with his superior aspect, told him, that, if he wanted

¹ Chenavard, pl. vi.

only rest, his cottage would be convenient, but, if he were flying from anybody's search, he would hide him in a more retired place. Marius desiring him to do so, he carried him into the fens, and bade him hide himself in a hollow place by the river-side, where he laid upon him a great many reeds and other things that were light, and would cover, but not oppress him. But within a very short time he was disturbed with a noise and tumult from the cottage, for Geminius had sent several from Terracina in pursuit of him; some of whom, happening to come that way, frightened and threatened the old man for having entertained and hid an enemy of the Romans. Whereupon Marius, arising, and stripping himself, plunged into a puddle full of thick muddy water. And even there he could not escape their search, but was pulled out, covered with mire, and carried away naked to Minturnae, and delivered to the magistrates; for there had been orders sent through all the towns to make public search for Marius, and, if they found him, to kill him. However, the magistrates thought convenient to consider a little better of it first, and sent him prisoner to the house of one Fannia.

BRONZE ASS.¹

him upon an old account. But Fannia did not then behave like one that had been injured, but, as soon as she saw Marius, remembered nothing less than old affronts, took care of him according to her ability, and comforted him. He made her his returns,

and told her that he did not despair, for he had met with a lucky omen, which was thus: when he was brought to Fannia's house, as soon as the gate was opened, an ass came running out to drink at a spring hard by, and gave a bold and encouraging look, first stood still before him, then brayed aloud, and

¹ From an antique figurine.

pranced by him. From which Marius drew his conclusion, and said that the Fates designed his safety rather by sea than by land, because the ass neglected his dry fodder, and turned from it to the water. Having told Fannia this story, he bade the chamber-door to be shut, and went to rest.

“Meanwhile the magistrates and councillors of Minturnae consulted together, and determined not to delay any longer, but immediately to kill Marius; and, when none of their citizens durst undertake the business, a certain soldier, a Gallic or Cimbrian horseman (the story is told both ways), went in to him with his sword drawn.¹ The room itself was not very light: that part especially where he then lay was dark, whence Marius’ eyes, they say, seemed to the fellow to dart out flames at him, and a loud voice to say out of the dark, ‘Fellow, darest thou kill Caius Marius?’ The barbarian hereupon immediately fled, and, leaving his sword in the place, rushed out of doors, crying only this, ‘I cannot kill Caius Marius.’ At which they were all at first astonished, and presently began to feel pity and remorse, and anger at themselves for making so unjust and ungrateful a decree against one who had preserved Italy, and whom it was bad enough not to assist. ‘Let him go,’ said they, ‘where he please to banishment, and find his fate somewhere else: we only entreat pardon of the gods for thrusting Marius, distressed and deserted, out of our city.’²

“Impelled by thoughts of this kind, they went in a body into the room, and, taking him amongst them, conducted him towards the seaside, on his way to which, though every one was very officious to him, and all made what haste they could, yet a considerable time was likely to be lost; for the grove of Marica (as she is called), which the people hold sacred, and make it a point of religion not to let anything that is once carried into it be taken out, lay just in their road to the sea, and, if they should go round about, they must needs come very late thither. At length

¹ This was one of the *servi publici* of the city.

² We do not learn that Sylla punished this conduct of the magistrates of Minturnae. They sheltered themselves behind the story of the Cimbrian, very likely a fiction invented by them to excuse their conduct. They had by this means the appearance of having obeyed the will of the gods, shown by the “Panic terror” which had fallen upon the barbarian. Probably they were glad not to destroy a man who was so conspicuously the friend of the Italians.

one of the old men cried out, and said there was no place so sacred but they might pass through it for Marius' preservation; and thereupon, first of all he himself, taking up some of the baggage that was carried for his accommodation to the ship, passed through the grove, all the rest with the same readiness accompanying him.

SAILING-VESSEL.¹

And one Belaeus (who afterwards had a picture of these things drawn, and put it in a temple at the place of embarkation) having by this time provided him with a ship, Marius went on board, and, hoisting sail, was by fortune thrown upon the island Aenaria, where, meeting with Granius and his other friends, he sailed with them for Africa. But, water failing them in the way, they were forced to put in near Eryx in Sicily, where was a Roman quaestor

on the watch, who all but captured Marius himself on his landing, and did kill sixteen of his retinue that went to fetch water. Marius, with all expedition loosing thence, crossed the sea to the island of Meninx, where he first heard the news of his son's escape with Cethegus, and of his going to implore the assistance of Hiempsal, King of Numidia.

“With this news being somewhat comforted, he ventured to pass from that isle towards Carthage. Sextilius, a Roman, was then governor in Africa, — one that had never received either any injury or any kindness from Marius, but who from compassion, it was hoped, might lend him some help. But he was scarce got ashore with a small retinue, when an officer met him, and said, ‘Sextilius the governor forbids you, Marius, to set foot in Africa. If you do, he says he will put the decree of the Senate in execution, and treat you as an enemy to the Romans.’ When Marius heard this, he wanted words to express his grief and resentment, and for a good while held his peace, looking severely

¹ From Smith, *Dictionary of Greek and Roman Antiquities*.

upon the messenger. At last Marius answered him with a deep sigh, 'Go tell him that you have seen Caius Marius sitting in exile among the ruins of Carthage;' appositely applying the example of the fortune of that city to the change of his own condition.

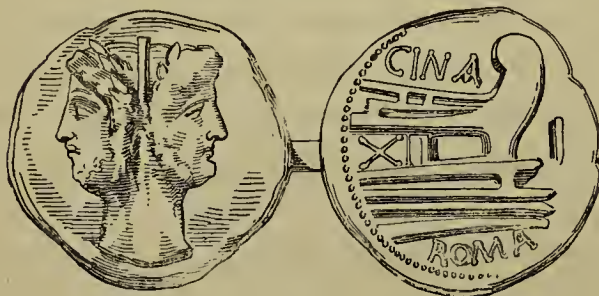
"In the interim, Hiempsal, King of Numidia, dubious of what he should determine to do, treated young Marius and those that were with him very honorably; but, when they had a mind to depart, he still had some pretence or other to detain them, and it was manifest he made these delays upon no good design. However, there happened an accident that made well for their preservation. The hard fortune which attended young Marius, who was of a comely aspect, touched one of the king's concubines, and, she finding means to convey them away, he escaped with his friends, and fled to his father. As soon as they had saluted each other, and they were going by the seaside, they saw two scorpions fighting, which Marius took for an ill omen, whereupon they immediately went on board a little fisher-boat, and made towards Cercinas, an island not far distant from the continent. They had scarce put off from shore when they espied some horse, sent after them by the king, with all speed making towards that very place from which they were just retired. And Marius thus escaped a danger, it might be said, as great as any he ever incurred."¹

Meanwhile the aspect of affairs in Italy was changing. The absence of Sylla and the incapacity of Octavius had encouraged Cinna to bring forward again the schemes of Sulpicius. The new citizens gathered about him; and the rich men of the party went so far as to offer him three hundred talents.² Whether he gave or sold to them his support is of little consequence. In return for his protection, they were to deliver to him the comitia: this was the real bargain. Supported by several tribunes, Cinna proposed to distribute the new citizens among the thirty-five tribes, and with the idea, that, if he were to cause the return of Marius to Rome, the latter might feel bound to be useful to him, he proposed a recall of all persons in exile. On the voting day, a majority of the tribunes

¹ Plut., *Mar.* 35-40.

² Cic., *de Div.* i. 2; *de Nat. deor.* ii. 5; *Philipp.* xiv. 8; Appian, *Bell. civ.* i. 64.

opposed these measures, and a sanguinary conflict broke out in the Forum between the old citizens and the new ; the former under the command of Octavius, the latter, of Cinna. The latter, driven from the place, strove to excite the slaves in the city to insurrection. We have already seen Caius Gracchus, and, later, the friends or leaders of the Italians, resort to this measure, giving us, as it were, a right to class in one group all these misfortunes. But whether Italians, slaves, or proletarii, in all cases they formed but an untrained and disorderly band. The old citizens easily remained masters of Rome ; and the Senate, dealing with a consul as the elder Gracchus had once dealt with a tribune, by decree removed Cinna from office, and appointed in his place Corn. Merula, the flamen of Jupiter. If we may believe Appian, Cinna was even deprived of his title of citizen.¹ This time ten thousand men had perished. There was much illegal action and much bloodshed ; but for more than half a century this was what Rome had to see uninterruptedly.

COIN OF CINNA.²

The Social war was not yet at an end, although, after Sylla's victories, it had no longer any importance. The Samnites and Lucanians had not yet made their submission ; many cities in Campania still held out ; and Appius Claudius was blockading Nola, which had a Samnite garrison.

Cinna presented himself to the Italians as a victim of his devotion to their cause, and received from them both men and money : he then drew away the troops blockading Nola, accusing the Senate of having violated in his

¹ Cicero soon after this pleaded that it is not lawful to withdraw from any man the *jus civitatis* ; but, in a time when law was perpetually violated, it is not impossible that the Senate may have passed such a decree against Cinna : I do not, however, believe it. The Conscript Fathers had not even the right to remove a magistrate. In the affair of Catiline they decided that Lentulus should abdicate the praetorship, *ut P. Lentulus, quum se praetura abdicasset, tum in custodiam traderetur*. But Cicero very carefully explained to the people that Lentulus, before being led to prison, had resigned his office, *magistratu se abdicavit*. (iii. *Catil.*, 6.) Caesar also was suspended from office, not displaced. (Suet., *Caes.* 16.)

² Head of Janus. On the reverse, the prow of a ship : a copper *as*, its monetary symbol, I. being placed before the prow, and the legend, CINA, ROMA.

person both the rights of the consulship and those of the citizens who had elected him.¹ Numerous levies made throughout Italy² increased his army, and the Social war seemed about to recommence. When Marius heard this news, he set out in all haste, and soon landed at Telamon, in Etruria, with about a thousand Moorish and Numidian horse and foot, and six thousand slaves, whom he attracted by the promise of liberty. Sertorius counselled Cinna not to associate himself with this ambitious and vindictive old man. But Marius appeared so humble that Cinna believed in his disinterestedness, and gave him the title of proconsul with the insignia. Wearing an old toga, with unshaven beard, and eyes fixed upon the ground, Marius seemed still weighed down with the sentence of proscription. But, as soon as he saw himself among the soldiers, all his old activity revived. Four armies (under Marius, Cinna, Sertorius, and Carbo) marched upon Rome. The lines of supply were cut, Ostia seized, and cargoes prevented from going up the river; so that the city was threatened with famine. Octavius and Merula made useless preparations for defence, widening the moat, closing the gaps in the walls, and covering them with machines, but refusing, although greatly urged, to arm the slaves, being unwilling themselves to do, they said, what they blamed in their adversaries.

The Senate had still two armies and two generals in Italy, — Metellus Pius, opposing the Samnites in the south; and in the north Cn. Pompeius, who, to keep the allies in check, had retained his army since the expiration of his consulship. Sylla had sent him a successor, the consul Pompeius Rufus, whom the soldiers massacred, at the instigation, perhaps, of the other Pompeius, who was called Strabo, or the Squinting.⁴ When the civil war broke out, this clever man found himself in much embarrassment. His antecedents and his preferences led him towards the Senate;



POMPEIUS
RUFUS.³

¹ See in Appian (i. 65) his discourse, and his base flatteries of the soldiery.

² Velleius Patereulus (ii. 20) exaggerates, as usual, these levies, representing the whole number as thirty legions. Appian (i. 66) says only, χρήματά τε καὶ στρατιὰν συνετέλουν.

³ Q. POM. RVFI RVFVS COS. Head of Pompeius Rufus.

⁴ App., *Bell. civ.* i. 63; Val. Max., IX. ix. 2. Velleius Patereulus (ii. 21) draws a faithful portrait of this personage: *Ita se dubium mediumque partibus praestitit ut . . . huc atque illuc unde spes major potentiae adfulsisset se exercitumque deflecteret.*

yet he feared that the Syllanian party, if victorious, would call him to account for the consul's death; and besides, in these troublous times, when no one was sure of the morrow, it seemed to him better to have an army of his own, and to take no risk of losing it by engaging in any decisive action. Therefore he advanced slowly towards Rome, and was in sight of the Colline Gate when Cinna and Sertorius attacked it.¹ There was fighting all day, without decisive results; and, a short time after this, Strabo was

MOUTH OF THE TIBER.²

killed by lightning (87). Metellus was recalled by the Senate, who ordered him to make whatever terms the Samnites required: the latter exacted citizenship for themselves and their allies, the restitution of the booty which had been taken from them, the release of the Samnite prisoners, and the extradition of deserters. Metellus refused; but Marius sent word to them that all their demands should be granted, whereupon they came over to his side. Meanwhile Metellus returned to Rome with his troops; but a military tribune opened a gate of the Janiculum to the Marians.

¹ Orosius, v. 19; Zonaras, x. 1. The *Epitome* (lxxix.) of Livy places this affair later, and upon the Janiculum, which may have been a second engagement.

² The Devonshire *Vergil*, vol. ii. pl. 3.

Desertions began from the senatorial army, which was discouraged by the delays of Octavius, and his efforts to conduct a civil war in strict accordance with legal forms; and was also decimated by a contagious disorder, which carried off more than twenty thousand soldiers. The slaves, too, were constantly flocking to the camp of Marius;¹ and at last Metellus, judging the cause lost, fled to Africa, and the Senate prepared to negotiate. Cinna was to be recognized as consul, on condition that no blood should be shed.² Cinna refused to take an oath to this effect, but added, that, for his own part, he should never knowingly cause any man's death; and he even advised Octavius to go away. But the deputies saw at his side the stern and scowling Marius, and they returned terrified into the city.

Cinna and Marius soon were at the gates. "A law drove me forth," Marius said; "and only a law can permit me to return." The comitia were accordingly summoned; but only three or four tribes had voted, when Marius, throwing off the mask, entered, surrounded by the slaves whom he had enfranchised, and a massacre at once commenced. Octavius was killed sitting in his curule-chair, and his head was placed above the rostra.³ P. Crassus, the father of the triumvir, L. Caesar, who had distinguished himself in the Social war, his brother Caius, Atilius Serranus, P. Lentulus, C. Numitorius, M. Baebius, the most important personages in Rome, perished. The assassins had orders to kill all not specially protected by Marius. A former praetor, Ancharius, presented himself before Marius at the moment when the latter was offering sacrifices in the Capitol, and was murdered on the spot. In the case of some there was a parody of justice: Merula, the substituted consul, and Catulus, the conqueror of the Cimbri, were cited before a tribunal. They did not await sentence; but the former inhaled the fumes of charcoal, and the latter opened his veins in the Temple of Jupiter, "under the very eyes of the god" whose pontiff he was. Beside the corpse of Merula was

¹ Livy, *Epit.* lxxx.; Appian, *Bell. civ.* i. 69.

² App., *Bell. civ.* i. 69. The fragmentary *Annales* of Granius Licinianus, which have recently been discovered, add a few details, but unimportant ones, to what we already know of these events.

³ Plutarch relates (*Mar.* 42) that a Chaldean amulet was found upon his body. Sylla also wore one. These sceptics were extremely superstitious.

found a tablet declaring, that, before dying, he had laid aside his insignia of *flamen dialis*, according to the ritual. The friends of Catulus had implored Marius for his life, obtaining no other reply than simply the words, "He must die."

The great orator Marcus Antonius had hidden himself in a peasant's hut. The peasant, sending to buy at the tavern more wine than his accustomed supply, excited the curiosity of the inn-keeper, who questioned the slave, and hastened to betray the proscribed man. Marius was eager to go and kill his enemy with



WINE-DEALER'S SIGN.¹

his own hand, but those about him prevented it; and a tribune with some soldiers was sent to perform the act. Arriving at the hut, the soldiers enter; but Antonius with his eloquent remonstrances stops them. They listen with charmed attention; their swords drop, until the tribune, who has remained outside, is forced to enter, and breaks the spell, cutting down the orator with his own hand. It is said that Marius, when the head of his enemy was brought to him, took it into his hands, and addressed it with insults.² Cornutus was saved by his slaves. They prepared a

¹ At Pompeii (from a painting).

² App., *Bell. civ.* i. 73. Val. Max. iv. 2 . . . *inter epulas per summam animi ac verborum insolentiam aliquandiu tenuit*. This Antonius was the grandfather of the triumvir. He is one of the interlocutors in Cicero's treatise *de Oratore*.

funeral-pile in front of his house, and placed on it a corpse which they had picked up in the road. When they saw far away the assassins approaching, the slaves set fire to the pile, and, since ashes of senator and ashes of peasant are quite alike in appearance, the sicarii believed their work already done, and went on.

For five days and nights, murder raged without interruption, penetrating even to the most sacred places and the very altars of the gods. From Rome the proscriptions extended over all Italy. Men were slain in cities and on highways; and as it was forbidden, under pain of death, to bury them, the corpses remained where they had fallen, until devoured by wild beasts, or birds of prey. The senators had only this privilege, that their severed heads were placed on the rostra. To these murders, the slaves who had been let loose added rapine, theft, and every outrage. Cinna and Sertorius were the first to weary of this butchery. One night, with the troops from Gaul, they surrounded four thousand of the satellites of Marius, and slew them to a man.¹

Sylla, meanwhile, at the head of his victorious army, could not be reached: even his wife, Metella, with her children, had escaped. Marius declared him a public enemy, confiscated his property, and abrogated his laws.² Rome must still have had great strength, or her opponents must have been extremely feeble, for her to be able to exhibit with impunity, to the world, the strange spectacle of an army and its general proscribed at the moment when they were fighting their country's enemies. It is plain, also, that he who, being situated thus, was willing to postpone his private vengeance until he had satisfied the vengeance of his country against their foes, was no ordinary man. Marius felt this, and although, with Cinna, he had, on the 1st of January, 86, taken possession of the consulship without the formality of an election, he was alarmed at the prospect of being soon obliged to encounter Sylla. In the night he seemed to hear a menacing voice, which said to him, "The lair even of the absent lion is formidable!"³ To escape from these terrors, Marius plunged into debauchery, which

¹ Probably after the death of Marius: Appian, however (*Bell. civ.* i. 74), places this execution before his seventh consulship.

² App., *Bell. civ.* i. 71; Plut., *Mar.* 43; Livy, *Epit.* lxxx.; Vell. Patern., ii. 22.

³ This is hardly probable, and is doubtless borrowed by Plutarch from Sylla's own memoirs, who naturally wished to represent his enemy dying amidst terrors inspired by himself.

hastened his end. Piso relates, that, walking one evening with himself and some friends, Marius talked to them much of his past life, of the favors and rebuffs that he had received from Fortune, adding, that it was not the part of a wise man to trust himself longer to her inconstancy. Saying these words, he embraced them, bade them adieu, and returning home took to his bed, whence he never again rose. Pursued even to his last moments by dreams of military glory, and visions of battle, he gesticulated in his delirium like one at the head of an army, springing up in bed, commanding a charge, shouting victory. On the seventh day he died, in the seventieth year of his age, and in his seventh consulate (13th of January, 86).

The funeral-rites of Marius were worthy of him. During the ceremonies, Fimbria attempted to murder the pontifex maximus, Mucius Scaevola, whose only offence had been to seek to mediate between the two parties. The wound was not mortal; and, some weeks later, Fimbria made preparations to bring an accusation against him before the people. When Scaevola asked to know of what crime he was accused, Fimbria rejoined, "Of not having received my weapon deep enough." Marius had set the example of these human sacrifices, causing L. Caesar, the ex-censor, to be cut in pieces on the tomb of Varius.¹

Shall we say that Marius did more harm or good to his country? If he had never lived, doubtless some other man would have conquered the Cimbri, and saved Italy; and this other perhaps would not, when loaded with years and military renown, have plunged Rome into civil war, and inaugurated as a political measure and an act of statecraft the murder of whole classes of citizens. Without Marius, Sylla would not have been what he was. We have paid honor to the Gracchi, notwithstanding their faults: we must condemn the sterile ambition of the man who was not even a good partisan.

Cinna, left alone, found himself unequal to his task. A violent but inconsistent person, he never carried either his moderation or his violence to its legitimate end; so that he irritated by his audacity, and ruined himself by his irresolution. Valerius Flaccus, whom he

¹ Cic., *pro Rosc.* 12; Val. Max., IX. ii. 2.

selected for successor to Marius in the consulship, brought to that office neither great talents nor much reputation. He reduced all debts to one quarter of their amount by permitting copper to be paid instead of silver, an as for a denarius, and then set off for Syria, to dispute with Sylla the glory and profit of the war against Mithridates. By his own authority, Cinna himself continued without election for the two following years, 85 and 84,



TOMB, SAID TO BE OF MARIUS, NEAR LAKE FUSARO.¹

in the consular office, taking as colleague Papirius Carbo;² whereby it will be seen that the people never had less share in public affairs than under this so-called "popular government." An apparent calm prevailed. Murders had ceased; and still, every day, apprehension drove out of Italy and to the camp of Sylla, those members of the old nobility who had yet remained in Rome. The

¹ From an engraving in the *Bibliothèque nationale*. The *lago di Fusaro* (*Acherusia palus*) is a little salt lake between Cumae and the promontory of Misenum, communicating by a narrow channel with the sea. The funeral-rites of Marius were performed at Rome, not at Misenum; and later we shall see that Sylla caused his rival's tomb to be destroyed, and the ashes it contained to be thrown into the Tiber.

² *A seipsis consules per biennium creati* (Livy, *Epit.* lxxxiii.). During his consulship, Papirius Carbo erected, in obedience to a *senatus-consultum*, an equestrian statue to Marius.

new citizens, distributed among the thirty-five tribes by the operation of the Sulpician law, which a decree of the Senate confirmed in the year 84, reduced to silence the tribunes, the Senate, and the old citizens, and delivered the State over to Cinna, who, as consul for four years successively, exercised an absolutely royal authority, yet had not even the ability to prepare a defence against Sylla by fortifying the harbors, and rendering them inaccessible to his fleet. Like his patron Marius, Cinna was one of those ambitious men who desire power, but are incapable of using it; and it is noteworthy with what facility their party, formed of all the lower orders in the State, accepted even an incompetent master.

There was, however, among these self-seekers, one man who bestowed some thought upon the public interests. Since the time of Drusus a depreciation of the currency had appeared so convenient a resource that it had been frequently employed, until, Cicero says, "At that time no man knew accurately what he possessed."¹

In 84 the praetor Marius Gratidianus put a stop to the forced circulation of these plated denarii, and had them exchanged at the public treasury for pieces of true metal.² The evil had become so great, that the praetor appeared a public benefactor: statues were erected to him, and wax candles and incense burned before them, thus paying him almost divine honors. The men who recompensed with such homage a simple municipal measure will be ready to do much indeed for those who will give them peace and security. As a matter of chronology the empire is still remote; but in the manners of the time we are already very near it.

A fact related by Livy will fitly close this gloomy chapter.³ "In this war two brothers (one belonging to Cinna's army, the other to that of Pompeius) encountered each other without knowing it; and when the conqueror, despoiling the enemy, recognized his

¹ These plated coins were not official counterfeits any more than are our bank-notes, which have no intrinsic value, and they were received, like the rest, in payment of public dues. But as nothing distinguished them from denarii of real silver, they encouraged counterfeiting, and left men uncertain as to what they really possessed. Accordingly, when in critical moments the State multiplied the plated denarii, the disquietude became general. (Cic., *de Off.* 20, 80 Cf. De Witte, *Revue numism.* 1868, p. 181, and Lenormant, *Hist de la monn.* i. p. 231.)

² Pliny, *Hist. Nat.* xxxiii. 9, and xxxiv. 6.

³ *Epit.* lxxix.

brother, he vented his grief in uncontrolled lamentation; and, having prepared a funeral-pile for him, he stabbed himself on it, and was consumed with him." During the past two years, Italy had brought together friends and brothers upon countless funeral-piles.



VICTORY (POMPEIAN PAINTING).

CHAPTER XLIV.

MISERABLE CONDITION OF THE PROVINCES.

I. A PROVINCIAL GOVERNOR.

FOR forty years the Roman world had been shaken by the constantly renewed claims of the Roman poor, of the Italians, and of the slaves: it was now to be again agitated by the efforts of the provincials to obtain relief. Like an ocean scourged by the tempest, the threatening waves followed one another, each more formidable than its predecessor. The Gracchi had attacked only the privileges of the nobles; the Italians, only those of Rome: Mithridates now was able to endanger the very existence of the State, finding, as he did, the patience of its subjects exhausted.

Elsewhere we have explained the theoretical organization of the provinces: we will now examine their real condition.

Appian, referring to the favorable terms granted by Gracchus to the Celtiberians, adds, "But, when the Senate grants privileges to any people, this condition is always included, — that these privileges shall be in force only so long as it shall please the Roman people."¹ In other words, notwithstanding the distinctions which we have set forth, the provincials were subjected to Rome's absolute sway, and to the unlimited authority of the proconsul, the representative of Rome;² so that their condition depended much less upon the law than upon the character of the man who came among them to wield the right of the sword. If he were intelligent, honest, and kindly, the province prospered: if he were hard and grasping, it groaned under the most revolting oppression.

¹ Δίδωσι δ' ἡ βουλὴ τὰς τοιάσδε δωρεὰς, ἀεὶ προστιθείσα, κυρίας ἔσεσθαι μέχρι ἂν αὐτῇ καὶ τῷ δήμῳ δοκῇ (App., *Iber.* 44).

² *Praetor improbus cui nemo intercedere possit* (Cic., in *Verr.* II. ii. 12). The condition of the provincials was expressed in these words: *in arbitratu, dicione, potestate, amicitiae populi Romani* (*Lex Repet.* v. 1).

“The cities,” wrote Cicero to his brother, the governor of the province of Asia, “no longer contract debts. Many are relieved by your care from the enormous burden of those formerly contracted: many cities, almost deserted, owe to you their revival. There are no more seditions and discords among the people. The administration is in the hands of the enlightened class.¹ Mysia is purged of brigands; throughout the province murders are repressed, and peace is established; security again exists upon the high-ways and in the fields, and, what is more, in the cities and in the temples, where robbery and pillage were formerly practised with the greatest boldness and success. Burdens and tributes are more equally distributed. You are always accessible. The poor and weak are admitted to your tribunal and your house. In a word, nothing in your conduct is severe or cruel. For three years you have governed Asia, and not one of the numerous temptations that a province offers—neither pictures, nor precious furniture, nor rare stuffs, nor the charm of beauty, nor the allurements of wealth—have made you for a moment forget the strictness of your principles.” In these eulogies, which were but counsels in disguise, Cicero depicted a governor such as the Roman world had rarely known: elsewhere he shows what these masters of the

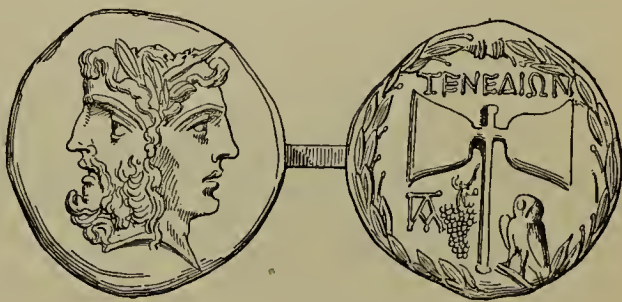
world for the most part really were, immortalizing the infamy of one of them.

The praetor Dolabella, on setting out for Cilicia, his province, took with him C. Licinius as lieutenant.⁴

At Sicyon in Achaea, Licinius demanded money of the chief magistrate of the city, and upon his refusal, shut him in a cell,



COIN OF HALICARNASSUS.²



COIN OF TENEDOS.³

¹ *Ut civitates optimatum consiliis administrarentur* (*ad Quint.* i. 1, 8).

² ΑΛΙΚΑ (*πραστέων* Ἡρ) ΔΑΤΟΣ. Conventional bust of Herodotus upon a bronze of Hadrian, struck at Halicarnassus.

³ Heads of Jupiter and Juno, united like the double-faced Janus. On the reverse, ΤΗΝΕΔΙΩΝ. Two-edged axe (*bipennis*), bunch of grapes, owl, and monogram, in a laurel wreath. Tetradrachm of Tenedos.

⁴ The gentile name of Verres is not known, nor do we know the *gentilitium* of Marius Servilius or Mummius. It is quite probable that these parvenus had none.

in which he caused a great fire of green wood to be set burning.

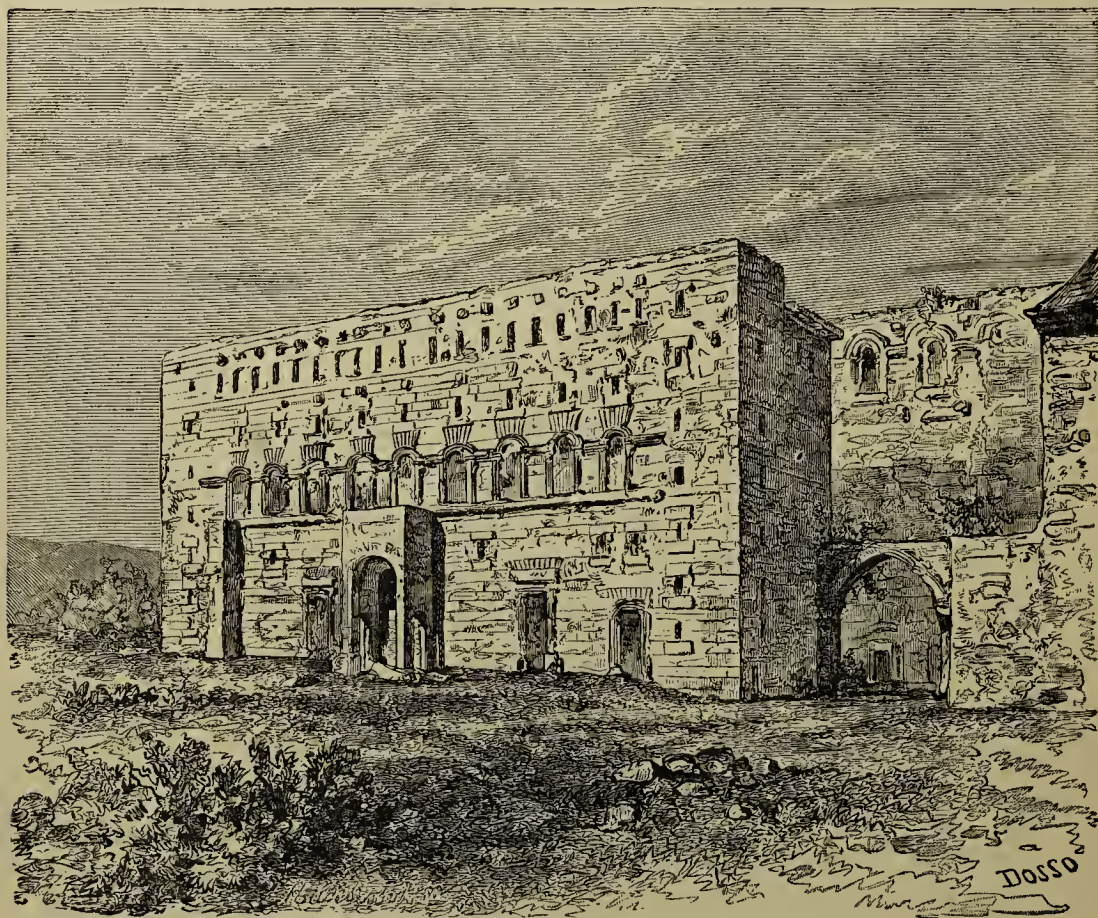


TEMPLE OF PERGA.¹

He then compensated himself by carrying away the most beautiful statues and pictures that could be found throughout Achaia. At Athens, sharing the spoils with his praetor, he plundered the Parthenon, and at Delos, the



COIN OF LAMPSACUS.²



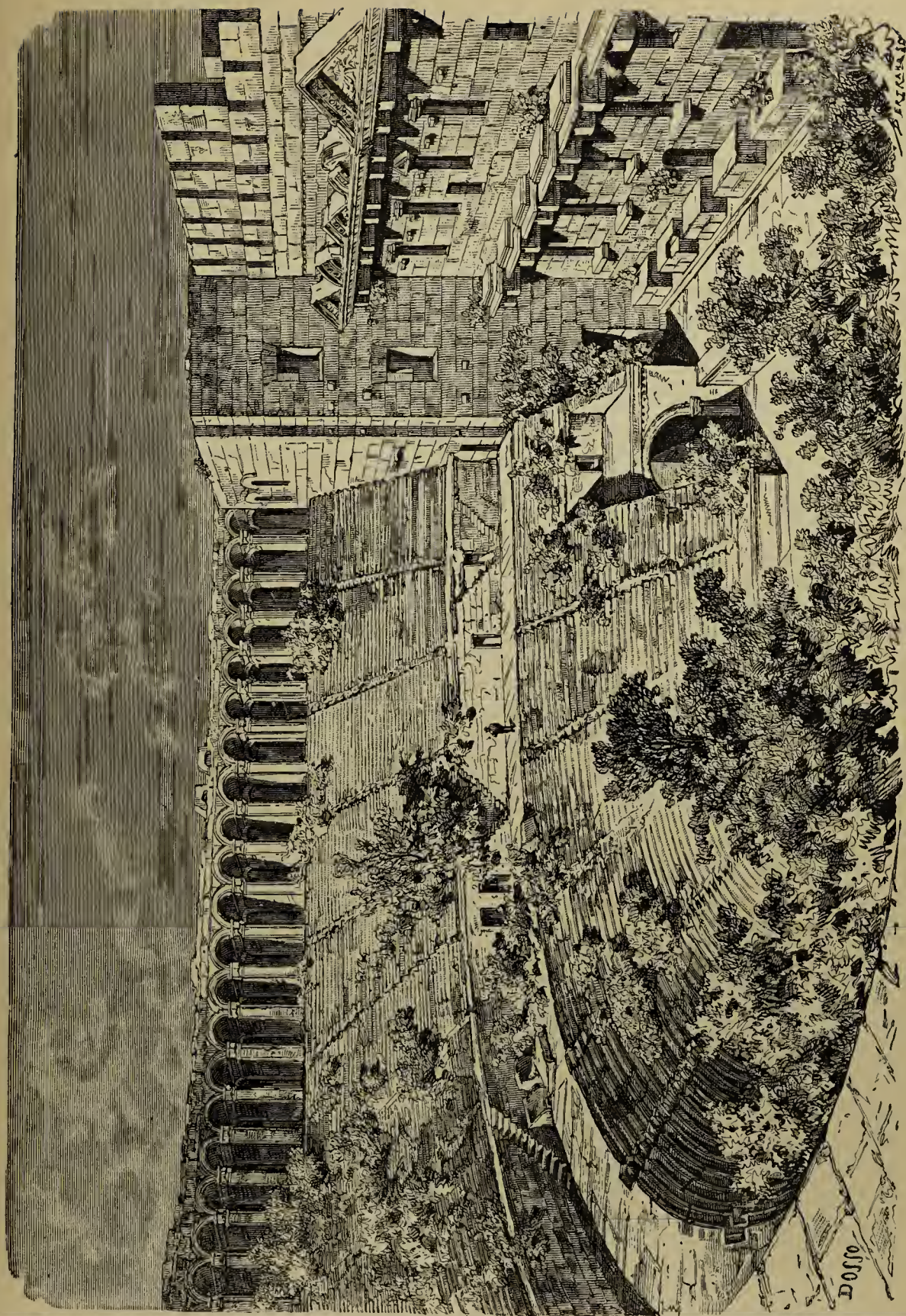
THEATRE AT ASPENDUS IN PAMPHYLIA (EXTERIOR).³

Temple of Apollo; at Chios, at Erythrae, at Halicarnassus, at Tenedos, at Aspendus in Pamphylia, all along his road, the same

¹ ΔΗΜΑΡΧΕΣ ΥΠΑΤΟΣ. Temple of Diana of Perga, with her image. Reverse of a silver coin of Trajan.

² Head of Pan. Reverse, the hippocampus, or, according to MM. L. Müller and de Chanot (*Gazette archéol.*, 1875, p. 113), Pegasus. Gold stater of Lampsacus.

³ Texier, *Descript. de l'Asie mineure*, vol. iii. pl. 232 bis. The interior of this theatre (next page) is from the same work, pl. 232. [This splendid building, unfortunately so inaccessible that few civilized men have seen it, is by far the best preserved ancient theatre in the world. It is apparently Greek with Roman building added in most parts. — *Ed.*]



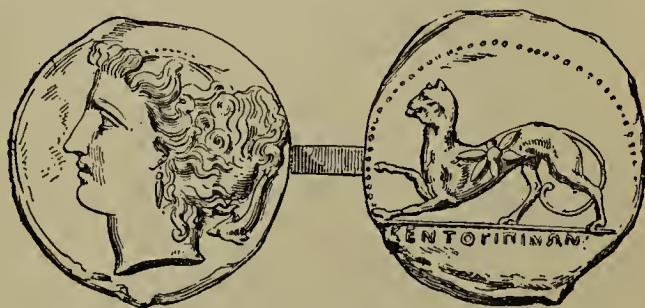
THE THEATRE AT ASPENDUS IN PAMPHYLIA (INTERIOR).

acts of rapine were perpetrated. Samos had a temple venerated by all Asia. He plundered both temple and city; and, when the Samians complained to the governor of Asia, they were told that they must address themselves to Rome. At Perga was a statue of Diana entirely covered with gold, which he caused to be torn off. The people of Miletus sent one of their best ships to convoy him, being one of ten the town owed to Rome. He kept and sold it. At Lampsacus he sought to do violence to a daughter of the first citizen of the place. Her father and brother had the courage to protect the girl, and in the struggle a lictor was killed. Licinius seized this pretext, accused them of an attempt upon his life, cited them before the governor, acting himself as witness and as judge; and both father and son were beheaded in the market-place of Laodicea. As yet, he had no public office; but what was his conduct when Dolabella made him his pro-quaestor! Pamphylia, Lycia, and Pisidia were overwhelmed with requisitions for corn, leather, bags, sailors' clothing. There was exemption for all who were able to purchase it. Dolabella himself accused his pro-quaestor of having made a profit of 2,567,000 sesterces (about a hundred thousand dollars), which placed him in a position to buy the praetorship.



COIN OF
HALAESAS.¹

Invested in the year 76 with the urban praetorship, Licinius during a year made merchandise of justice at Rome, and, on the expiration of his term of office, obtained the government of Sicily, the province nearest home, and usually most gently treated because it was full of Roman citizens. Many calamities had fallen upon this beautiful island, — the Punic wars, the Servile wars, the publicans; but Nature made good all losses by her generous fruitfulness. Countless streamlets descending from the mountains of the interior gave, under the

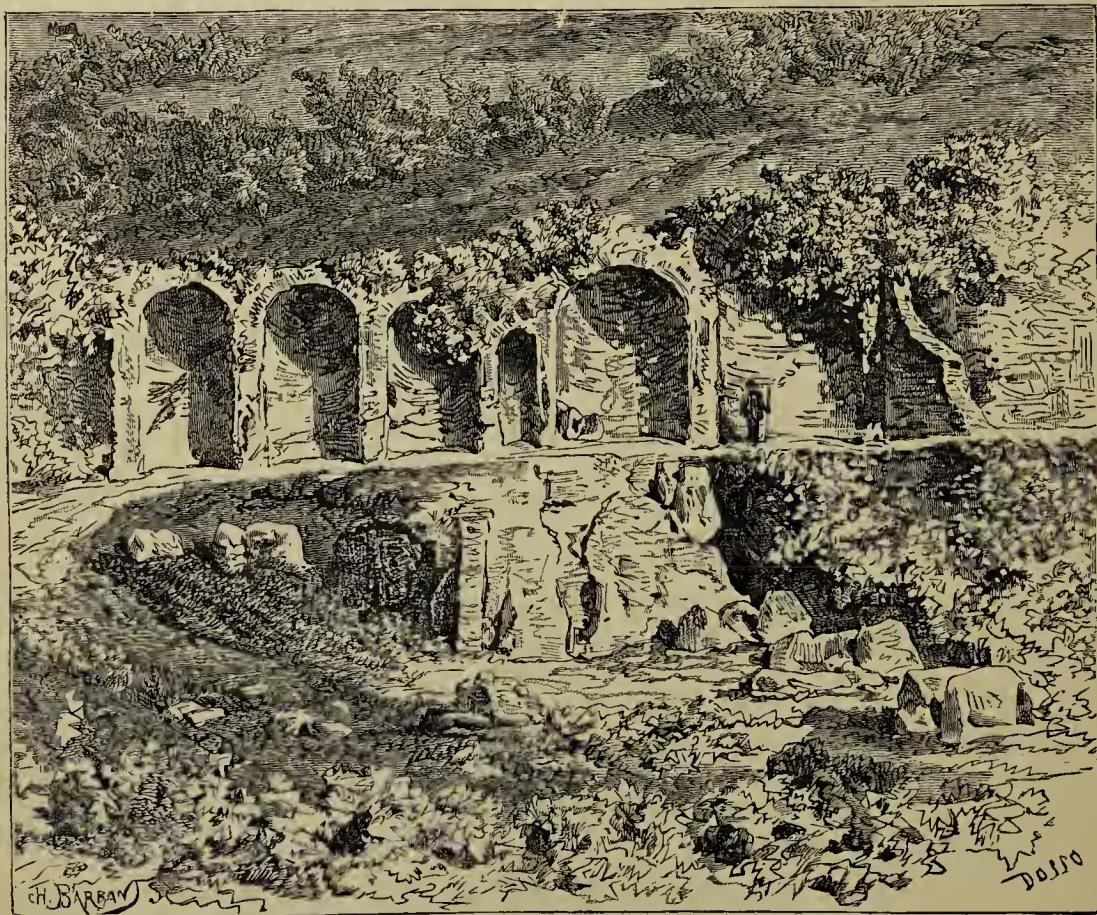


COIN OF CENTURIPAE.²

¹ ΑΛΛΙΣΑΣ ΑΡΧ. Soldier standing. Reverse of a bronze coin of Halaesa.

² Head of Ceres or of Proserpine; behind it a fish. The reverse, ΚΕΝΤΟΡΙΠΙΝΩΝ, under a panther. Bronze coin of Centuripae.

almost African sun, a mighty energy to vegetation; and Ceres, the great goddess of the island, repaid with abundant harvests the fervent worship paid her by the inhabitants. Ships were constantly coming to Syracuse, Messina, and Lilybaeum. Agrigentum, just now recovering from the desolations of the Punic wars, was at this time a flourishing city; and numerous bands of



REMAINS OF ANCIENT BATHS, NEAR CENTURIPAE.¹

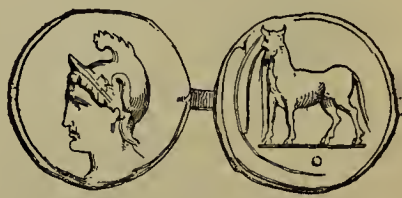
pilgrims were ever on the road to the temple of Venus Erycina. Licinius swooped down upon this rich prey. Even before he had landed, he summoned an inhabitant of Halaesa to give an account of an inheritance; and the latter did not escape from his hands until he had paid eleven hundred thousand sesterces, together with his finest horses, and all the silverware and costly carpets

¹ From an engraving in the *Bibliothèque nationale*. Centuripae, which had become a very wealthy city (Cic., in *Verr.* II. v. 32), suffered much from the exactions of Verres, and still more from those of Sextus Pompeius. The city rendered to Augustus services which he recompensed by certain privileges (Cic., in *Verr.* II. ii. 67, 69; iii. 6, 45, 48; iv. 23); Strab., vi. p. 272; Pliny, *Hist. Nat.* ii. 8, § 14.



MOUNT ERYX AND REMAINS OF THE TEMPLE OF VENUS (FROM THE DEVONSHIRE VERGIL).

that he possessed. Other similar affairs brought him in not less than forty million sesterces. The new governor sold justice and public offices: he trifled with the law, his own edicts, the religion, lives, fortune, and, above all, the endurance of the provincials. During three years, not a senator of the sixty-five cities of Sicily was elected gratuitously. Once, for a small profit, he cut off a month and a half from the year, declaring that the first day of the ides of January was the first day of the calends of March. A judge at Centuripae had decided against his wishes. He annulled the verdict, forbade the judge to sit in the senate of his city, or to appear in public, and debarred him from acting in any matter of business, or prosecuting any person who might attack him. The inhabitants of Agyrium, suffering from too heavy a tax, dared to complain. Their deputies narrowly escaped death under the rod, and the city paid to the praetor four hundred thousand bushels of corn, and sixty thousand sesterces. At Aetna his agents extorted from the agricultural laborers, besides the tithe, three hundred thousand bushels; at Leontini and at Herbita, four hundred thousand.¹ Like Darius or Xerxes, he gave cities to his friends, — Lipari to a boon-companion, Segesta to Tertia the actress, Herbita to Pippa, the scandal of Syracuse. His exactions depopulated, not only the cities, but the country also. Upon his arrival he found in the territory of Leontini eighty-three farms. The third year of his praetorship there remained but thirty-two; at Motye, the number had fallen from one hundred and eighty-eight to one hundred and one; at Herbita, from two hundred and fifty-seven to one hundred and twenty; at Agyrium, from two hundred and fifty to eighty.³ Throughout the province, more than half the arable ground was deserted. It seemed as if war and pestilence, and all scourges united, had passed over the country. And the governor, lying in his litter upon Maltese roses, a wreath of

COIN OF ALUNTUM.²

¹ Piso repeated in Macedon, Boeotia, the Chersonese, and at Byzantium, the exactions of Verres in the matter of corn: *Unus aestimator, unus venditor, tota in provincia, per triennium, frumenti omnis fuisti.* (Cic., in *Pis.* 35.)

² Head of the Phrygian Venus. The reverse, an ox standing. Bronze coin of Aluntium, town built on a hill on the southern coast of Sicily, now San Marco (?).

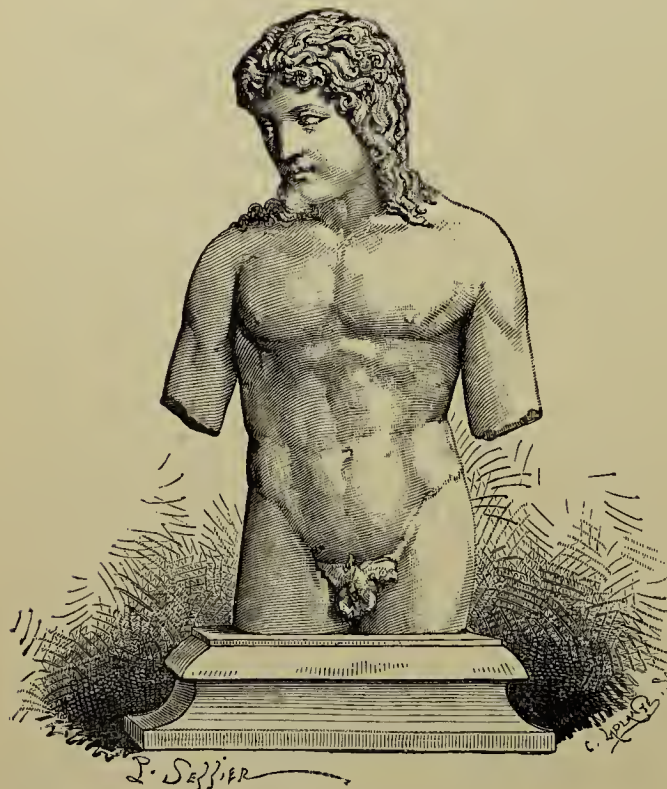
³ Cic., in *Verr.* II. iii. 51.

flowers upon his head, another about his neck, in the midst of silent maledictions journeyed through the desolated land.¹

For the provisioning of Rome, he had received from the province thirty-seven million sesterces. The money he kept for himself; and the grain sent to Rome was the result of his robbery. For his household, the province was to furnish him provisions, for which the Senate paid.² Corn was worth two or three sesterces a bushel. He fixed the price at twelve, required five times more than was due

to him, then caused the payment to be made him in money, on the scale of value which he had fixed.³

It was still further disastrous for the provinces that this Licinius was a dilettante, an antiquary, a lover of curiosities and of all beautiful things. Woe to the host who received him! The house was plundered without scruple. One day he passed near the city of Aluntium situated on a hill-top, which till then had escaped his rapine. He



THE EROS OF THE VATICAN.⁴

caused his litter to stop at the foot of the hill, had all the silver in the place brought to him, selected what pleased him, and carried

¹ Sicily escaped at this time from one tax which Fonteius laid upon his province, — the Narbonensis. This was an import upon wines on entering the cities and on being exported from the province, — four denarii on the amphora at Toulousa, three victoriati (victoriatu = a half denarius) at Croduna, six denarii at the place of export. (Cic., *pro Font.* 8.)

² These dues were called *vasarium*. The Senate gave Piso eighteen million sesterces, *quasi vasarii nomine*. (Cic., *in Pis.* 35.)

³ To escape this exaction, the Sicilians asked the favor of being allowed to furnish the corn *gratuitously* which was required for the praetor's household. Cf. Cic., *in Verr.* II. iii. 86.

⁴ Museo Pio-Clementino, No. 250. This statue may be a copy of that which Verres stole from Messina. Cf. Ampère, *Histoire romaine à Rome*, iii. 310.

it away, leaving word for the magistrate to compensate the owners by some trivial sum, which he did not even repay.¹ The King of Syria, Antiochus, came through Sicily on his way to Rome, bearing magnificent gifts destined for the Capitol: the praetor seized upon



DIANA THE COMBATANT.²

them. The King complained, protested, but got no more redress than the meanest provincial would have obtained. For eight months numerous goldsmiths were at work in the palace of Hiero, merely in repairing and polishing the objects in gold which the praetor had stolen; and at the custom-house in Syracuse it was

¹ Cic., in *Verr.* II. iii. 43; iv. 23.

² From the museum of the Capitol.

registered, that, from that port alone, he had in the course of a few weeks sent out of the island objects valued at twelve hundred thousand sesterces. Our praetor also was making a collection of antiquities, and not a cup, not a fine vase, above all, not a famous statue, escaped him. Messina had a renowned Eros by Praxiteles; Agrigentum had an urn by Boethus: he seized them both. The Diana of Segesta and the Ceres of Enna were objects of general devotion: from Rome even, worshippers came to their altars. This made them worthy to stand in his gardens or his gallery, and he carried them off. Almost all the statues that Scipio had sent back from Carthage to the Sicilians were thus a second time stolen from them.

The Servile war was at its height; pirates covered the sea. He equipped a fleet, requiring from the cities ships, sailors, arms, and provisions; but only for the purpose of selling the weapons and the supplies, and to the sailors leaves of absence and exemptions. Roman soldiers could be seen, in this most fruitful province, reduced to feed upon the roots of palm-trees. The first time this fleet, so ill appointed, sailed out of the harbor, it was defeated, whereupon the praetor, as a strict guardian of the honor of the flag, ordered all the captains to be put to death; and, again, his lictors sold to the relatives of the condemned the privilege of having them killed at one blow. One last fact will sum up all the rest. A Roman citizen, Gavius, was carrying on business at Syracuse: the governor caused him to be thrown into the Lantumiae. Gavius made his escape, hastened to Messina, announcing that he was going to Rome to accuse the praetor. The latter, however, again seized him, caused him to be beaten with rods by all the lictors together, then directed a cross to be set up on the shore looking towards Italy,—towards liberty and law,—and Gavius to be attached to it. Amid these tortures and in all the agony of death, the victim uttered not a groan or a cry, but only repeated, *Civis romanus sum*; while the praetor cried out to him, “There you see Italy! you see your country, your laws, and your liberty!”¹

This Caius Licinius is also known as Verres, and the name is that of the most rapacious extortioner, I admit, that ancient history mentions; but, as Cicero himself says, the guilty governors were

¹ Cic., in *Verr.* II. v. 62.

numerous; they went unpunished; and Verres was only possible because a hundred others had preceded him: between them and him the difference was only one of degree. “How many unjust magistrates,” cries the orator, “have there been in Asia, in Africa,



CERES (VATICAN).¹

in Spain, in Gaul, in Sardinia!” Many were accused, and a few condemned, like Dolabella and Calidius, each of whom paid a fine of three hundred million sesterces.² “A mere nothing,” said Calidius, “for which I cannot understand how a praetor can be fairly condemned.” But the larger number of them escaped, for the

¹ Museo Pio-Clementino, No. 544.

² Three million sesterces — about a hundred and twenty thousand dollars.

successor of an accused magistrate usually stifled the complaints of the provincials, arrested the witnesses, requested, threatened, and by a new tyranny kept men silent in respect to the past.¹ "The rights of our allies!" cries Cicero; "but it is not even allowed them to deplore their misfortunes."

Sometimes the province disarmed itself in advance by unworthy sycophancy. Did not Verres have statues in all the cities of Sicily, a triumphal arch at Syracuse with the inscription of "savior," and even equestrian statues at Rome, "erected by the grateful Sicilians"?²

II. EXACTIONS IN THE PROVINCES; THE PUBLICANS; USURY.

VERRES had not exhausted all varieties of exactions. The consul Manius Aquilius sold Phrygia to Mithridates V.³ For two hundred talents another governor, Piso, granted to the people of Apollonia an exemption from paying their debts, and let the creditors do what they could.⁴ He sold at a higher price, namely, three hundred talents, to King Cotys, the head of a Thracian chief who had come to him as ambassador. We must therefore commend his moderation when we find that he took only a hundred talents from Achaëa in the form of personal gifts. He, however, indemnified himself by various industrial enterprises; for example, under pretext of fabricating bucklers and weapons, he collected all the flocks in the province, and sold them. In his army all grades, even to that of centurion, were sold to the highest bidder. Flaccus caused the cities of Asia to pay for a fleet which did not exist; Fonteius converted to his own use a tax upon the wines of Narbonensis;⁵ and Aemilius Scaurus, by threatening an Arab prince

¹ See in the Verrine orations (*in Verr.*, II. i. 10) what hindrances Metellus, who was, after all, an honest man, placed in the way of Cicero's investigations. Certainly any one less active, and less eager for a cause which would have great notoriety, would have abandoned this. (*In Verr.* II. i. 10.)

² Piso also caused statues to be erected to himself in his provinces. Cf. *in Pis.* 38. The Sicilians requested the Senate to forbid them to erect statues in honor of any governor until after his term of office should have expired.

³ App., *Bell Mithr.* 57.

⁴ Cic., *in Pis.* 35.

⁵ Cf. *pro Flacco* and *pro Fonteio*. Piso imposed all forms of taxes. *Singulis rebus quaecumque venirent certo portorio imposito* (*in Pis.* 36). Observe the summary which Cicero gives

with war, wrested from him three hundred talents.¹ These exactions were of old date. In the time of the war with Perseus, we saw consuls and praetors rival each other in pillaging allied cities, and selling their inhabitants at auction, as was done at Coroneia, at Haliartus, at Thebes, and at Chalcis. Sterile Attica was condemned to furnish a hundred thousand bushels of corn. Abdera gave fifty thousand, and, besides, a hundred thousand denarii; then, when the city ventured to complain to the Senate, Hostilius gave it up to pillage, beheaded the principal men, and sold the entire population. Another praetor, Lucretius, yet more guilty, was accused at Rome. "It would be unjust," said his friends, "to entertain complaints against a magistrate absent in the service of the Republic;" and the affair was adjourned. Lucretius, however, at the time was near Antium, employed in decorating his villa with

A CENTURION.²COIN OF THE GENS FONTEIA.³

the product of his rapine, and turning the course of a river to lead it through his park. Another time he was less fortunate: he was condemned to pay a fine of a million ases, of which the Senate then gave a few thousand to the envoys of the cities; and so the matter ended.⁴

us, of this governor's administration: *Achaia exhausta, Thessalia vexata, laceratae Athenae, Dyrrachium et Apollonia exinanita, Ambracia direpta, Parthini et Bulienses illusi, Epirus excisa, Locri, Phocii, Boeotii exusti, Acarnania, Amphilochia, Perrhaebia, Athamanumque gens vendita, Macedonia condonata barbaris, Aetolia amissa, Dolopes finitimique montani oppidis atque agris exterminati* (in *Pis.* 40). He repeats these accusations in the *pro Domo*.

¹ Jos., *Ant. Jud.* xiv. 5, § 1.

² From a sepulchral bas-relief which bears this inscription: QUINTUS PUBLIUS FESTUS CENTUR. LEG. XI. He holds his stick in the right hand, wears leggings, and is decorated with seven *phalerae* (medals decreed by the military chiefs). Of these decorations three are placed in front of the breast, and two on each side. Only half of the latter are seen in the illustration. (Cf. Rich, *Dictionary of Greek and Roman Antiquities*, page 137.)

³ Laurelled and beardless head of Janus. On the reverse, C. FONT. Galley with rowers. Silver coin of the Fonteian family.

⁴ We have spoken above (chap. xlii. sect. i.) of other kinds of exaction which weighed heavily upon the allies.

When Cicero took possession of his government of Cilicia, which Appius had just quitted, he found on all sides a weeping and groaning population: "It would seem that a ferocious beast, rather than a man, had been there." However, from this ruined province, desolated past hope of recovery, Cicero himself was able in twelve months to extract, *salvis legibus*, the sum of two million two hundred thousand sesterces.¹

By what the most honest of men could do without infringing the laws, and by what he excuses, we may judge what the subject peoples suffered. "He asks for money from the chief man of Sicyon: I do not blame him for this, others have done the same. The magistrate refusing it was punished; it is odious, but it is not without example."² You have caused it to be known throughout your province that you could be bought, and those have borne sway over you who have paid you best. Be it so, I do not bring this up against you; perhaps another in your place would have done the same.³ You have condemned at Syracuse a man who was at Rome; but I do not stop at this, for one may receive a declaration against an absent person: no law in the province prohibits it."⁴ Elsewhere Cicero accepts without too much complaint the exactions of the praetors in the matter of the corn which was to be furnished them; "a practice," he says, "very common in Spain and in Asia, blamable, doubtless, but not punishable." However, by dint of enumerating these crimes, and hearing the consul Hortensius repeat that this is no new thing, that others have done the same, and worse even,⁵ he becomes excited, and finds noble words like these: "Our provinces groan; the free peoples complain; the kings cry out against our avidity and injustice. To the far distant shores of the ocean, there is no place so obscure, so concealed, that the lawlessness of our citizens has not penetrated it. It is no longer the strength of other nations, their arms, or their wars, that weigh upon us: it is their mourning, their tears, their groans. . . .

¹ *Ad Fam.* v. 20. In this letter mention is made of "gratifications," which we to-day call by another name. Nevertheless, Cicero had taken for his model the upright Mucius Scaevola.

² *In Verr.* II. i. 17.

³ *Ibid.* ii. 32.

⁴ *In Verr.* II. ii. 41. Such was the uncertainty of the rules, and so great was the license left to the governors, that their edicts varied, even on a question of such importance as this, whether the Greeks were to be judged by their own laws, or by those of Rome.

⁵ *Fecisse alios . . . fecerunt alii alia quam multa.* (*In Verr.* II. iii. 88.)

Let it be again said that this man has done the same that others have done. Doubtless, examples are not lacking; but, if wicked doers rest upon each other to escape justice, then I say that in the end the Republic also will be destroyed."

The governors robbed on a large scale, and left to their subalterns many very fair profits. One gave up to his lieutenants the choice of winter-quarters, exemption from which the cities paid for at a great price:¹ another gave to his tribunes the duty of repairing the roads,—which were not repaired. There was no one, down to the praetor's freedmen and even his slaves, whose favor was not bought, and bought at a high price. After Verres had thrown the Syracusan captains into prison, their friends crowded about the gate to have a last word with them, and there was Sestius the lictor putting a price on sympathy, a tariff on every tear. To enter, a relative must pay so much; to bring food to the prisoner, so much more. No one refused. "What will you pay me to behead your son at one blow? What for his body to bury, instead of throwing it to the dogs?" And again they paid.

And we have said nothing of insolence, harder to be borne than real injuries. A quaestor passing through Athens desired to be initiated into the Mysteries, and, as they were just over for the year, ordered them to be repeated. Once the Athenians had yielded to a similar desire, to initiate Demetrius Poliorcetes. But he was a successor of Alexander, to whom the gods themselves seemed bound to pay respect. The Greeks were disgusted at the audacity of this Roman, who, quaestor though he was, seemed, to these inheritors of the grandest name on earth, a person of little importance. He revenged himself by showing his contempt for "these miserable Greeks, idle and voluble," and for "the sterile wisdom of their schools." The matter was a trifle; but the men who of their past grandeur had nothing left save a towering pride, *nihil praeter animos*, must have been much more hurt by this arrogant contempt than they would have been by a mere requisition of corn.²

¹ *Magnas pecunias dabant.* . . . Cyprus gave annually for this alone two hundred Attic talents. (Cic., *ad Att.* v. 21.)

² Livy, xxxi. 14.

After the governor and his officers came the publicans, a second tyranny severer than the first. The former, in general, weighed only upon communities; but the latter reached to every individual, even the most obscure.¹

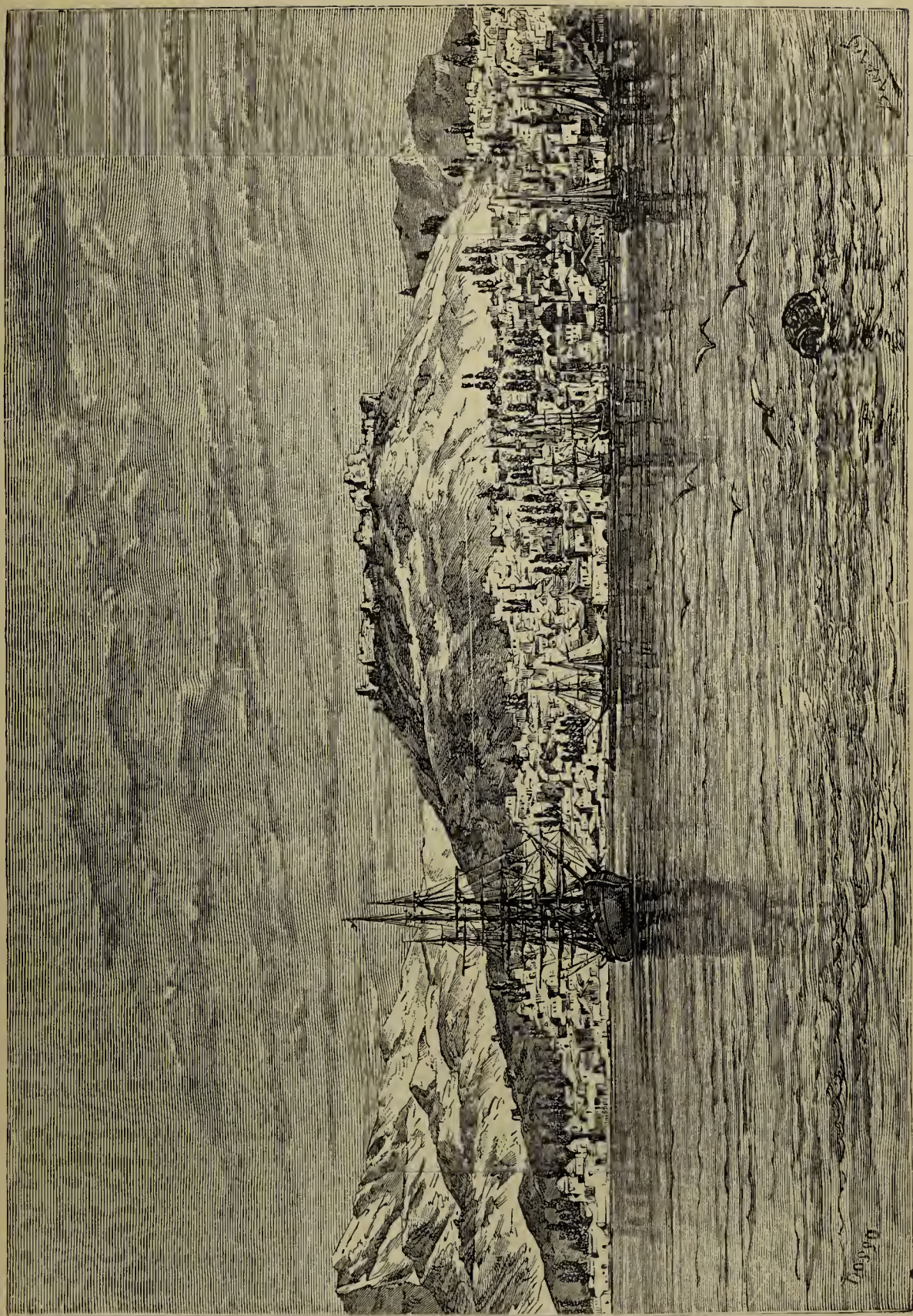
It would have been fortunate had these two tyrannies been at variance; but alas! they almost always played into each other's hands. When, by some miracle, the publicans exacted no more than their due, a rapacious governor would urge them on, associating them in his own plunderings for the purpose of giving himself a better chance of impunity.² If the governor was honest, it was the publicans, especially after they had become judges at Rome, who threatened or incited him. Integrity became a crime. Rutilius, an ex-consul, and one of the most upright men of his time, resolutely repressed the exactions of the publicans in Asia, where he was legate under Mucius Scaevola. His administration and that of Scaevola left such gratitude throughout the province, that a yearly festival, the *dies Mucia*, was established commemorating the virtues of the two. The publicans, exasperated at this intervention, instituted a suit against Rutilius for peculation, on his retiring from office, and were at once accusers, witnesses, and judges. In spite of Mucius Scaevola, and Crassus and Antonius, and every honest citizen in the State, he was condemned, and, being sentenced to exile, withdrew into the very province he was accused of having plundered. Received with honor wherever he went, he made his residence at Smyrna, and passed the rest of his life there, occupied in literary pursuits.³

Cicero, always friendly to the publicans, says himself, "If we do not resist them, we must see the destruction of those whom we ought to defend;" and he shows their *esprit de corps* going so far as to form a permanent conspiracy; "It was an invariable rule with them," he says, "that he who had presumed to

¹ See the frightful situation of Asia during the last war against Mithridates, a prey to unspeakable and incredible miseries, so plundered and enslaved by tax-farmers and usurers that private people were compelled to sell their sons in the flower of their youth and their daughters in their virginity, and the States publicly to sell their consecrated gifts, pictures and statues. (Plut., *Lucull.* 20.)

² See the agreement between Verres and the farmers of the customs and tithes, in the Verrine orations. (*In Verr.* II. ii. 70, 75.)

³ Val. Max., VI. iv. 4; Livy, *Epit.* lxix.; and Vell. Patere., ii. 13. The illustration (next page) is taken from De Laborde's *Voyage en Orient*, pl. 3, A.



SMYRNA.

offend a knight should be regarded by the whole order as a person to be disgraced." And elsewhere, "To content the publicans without ruining the allies requires an absolutely divine power."¹

When the inhabitants of the provinces had satisfied the demands of the governors, of their agents, and of the publicans; when they had paid all the taxes, furnished all the compulsory labor, and met all the requisitions,² the value of which was not always paid them, — they had not yet satiated the avarice of Rome: they were further obliged to receive with great and costly honors the Roman nobles who might chance to pass through their cities, to keep awake



COMBAT BETWEEN GENII AND WILD BEASTS.³

by frequent gifts the zeal of their patrons, and, foreseeing the results of elections, to gain over in advance the future magistrate.

In most modern States a public office gives a salary: at Rome, on the contrary, it involved expenses which were sometimes very great. In the public entertainments which their positions required them to furnish, the magistrates, through vanity and ambition, vied in the display of extravagance. As the share contributed by the State was but trivial, this display would have ruined them, if they had not made the subjects pay for it. Thus the aedileship leading to the praetor's office, and thence to the

¹ Cicero, *ad Quint.* i. 1, 11. Livy (xlv. 18) speaks in the same way, "Wherever a tax-contractor was employed, there is no more justice or liberty for any man." Even in Italy it became necessary, about the year 60, to suppress the *portorium*, or tax on the importation by sea of provisions destined for sale, *portoria venalium*. It was abandoned, not so much on account of the tax itself, as to put an end to the exactions of the publicans. (Dion Cassius, xxxvii. 51; Cic., *ad Att.* ii. 16.) In the provinces the *portorium* was levied for the advantage of Rome, except in the territory of *civitates foederatae* or *immunes*.

² The State furnished horses and tents; but the cities must supply lodgings, also transportation for lieutenants suddenly summoned to headquarters, and for senators on "a free legation," etc. Cf. Livy, xlii. 1, and Cicero, *de Leg.* iii. 8, § 18.

³ Details from a vase in the form of a cup without handles, the bas-reliefs carved in the material, and the figures full of life and action. This work is of the Roman period; but the bronze is not very well preserved. (Cabinet de France, No. 3,144 of the catalogue.)

consulship, the aediles of to-day were future proconsuls, whose favor was eagerly sought by sending them from the remotest provinces rich or curious presents for their public entertainments. To these gifts, a governor of a province, desirous that his friend the aedile should make a fine display, would now and then add some of the inhabitants themselves. Piso sent to Clodius six hundred provincials, who fought in the amphitheatre with the lions and panthers.

Under pretext of a vow made during the battle, a general, on his return to Rome, would construct a temple, for the sake of putting his name on it; or would give the people some public show, by aid of the "voluntary offerings" of the conquered people. Vainly did the Senate limit the expense allowable on such occasions, and issue decrees to protect the provincials from the demands of their late governors: the custom remained; and these contributions were added, as if they formed one of the regular taxes, to the tribute from certain provinces. Each year the province of Asia expended, under this head only, the sum of two hundred thousand sesterces.

An evil still greater, inasmuch as it was permanent, and weighed upon all, was the usury which devoured the provincial,—an evil the more formidable because the usurers were Roman citizens who took in pawn, from this man the products of his fields, from that, a mortgage upon his property. Was it not needful to help the provincial to pay the taxes due to the State, and the gratuities demanded by the governor and his subordinates? In the Narbonensis not a piece of money changed hands without the intervention of a Roman citizen; not a silver coin was in circulation that was not entered on the books of the Italian merchants who filled the provinces: all business passed through their hands; and usury was so familiar to them that we cannot wonder, if, when the legal rate was twelve per cent with commissions that doubled it, private rates of interest should go as high—even when the creditor was Brutus—as forty-eight per cent.¹ The Allobroges owed to Fonteius, or to persons representing him, thirty million sesterces. We have

¹ Livy, xl. 44; Cic., *ad Quint.* i. 1, 9; Cic., *pro Fonteio*, 4; Cic., *ad Atticum*, vi. 1. Cicero himself permitted much more to be demanded, and confirmed the most usurious agreements when the debtor did not pay on the day fixed.

seen Apollonia give two hundred talents to escape payments of debts. Almost all the cities of Caria owed money to a certain Cluvius of Puteoli; and Salamis in Cyprus was debtor to Scaptius, an agent of Brutus.¹ This Scaptius, to obtain payment, asked from the governor the command of a body of cavalry, shut up the Senate of Salamis in their senate-house, and kept them there so long that five senators died of hunger. And of what consequence, after all, was a senator of an allied city, or the most eminent provincial, compared with even the lowest and poorest citizen of Rome? All the taxes of Cappadocia, plus thirty-three talents a month, were not enough to pay the interest on the money that Pompey had lent to Ariobarzanes; and the Asiatic prince had other creditors, Brutus especially, who pressed him pitilessly, and wrung from him one hundred talents in a year. "So," says Cicero, "there was no poorer king nor more miserable kingdom."

Nicomedes II. of Bithynia was not less involved. To obtain money from him, his creditors—who were all Roman knights, envoys of the Senate, generals, and the like—forced him to ravage Paphlagonia, at the risk of bringing upon himself a terrible war. A few years earlier, in the



COIN OF CYZICUS.²

time of the Cimbrian invasion, Marius had called upon him for auxiliaries. The King made reply: "Bithynia is deserted and ruined. My subjects?—ask the publicans who have reduced them to slavery, and carried them hither and thither through your provinces."³ "Where," exclaims Cicero, "is the wealth of the nations who are now reduced to indigence? What need is there to ask, when you may see Athens, Pergamus, Cyzicus, Miletus, Chios, Samos, all Asia, Achaea, Greece, and Sicily, collected in the villas which cover our territory?"⁴

¹ Sardis owed great sums to Anneius (Cic., *ad Fam.* xiii. 53); Nicæa, to Pinnius (*ibid.* xii. 61); Parium, to another person, etc. The Gabinian law forbade the allies to borrow money at Rome; but it was easy to obtain a *senatus-consultum*, dispensing with the operation of the law. Cf. Cic., *ad Att.* vi. 1.

² Proserpine crowned with wheat. On the reverse, KYZI. Lion's head and bunch of grapes. Tetradrachm of Cyzicus.

³ *Ad Att.*, vi. 1, 3 sq.; 2, 7; 3, 5; Appian., *Bell. Mithr.* 11; Diod., xxxvi. 3.

⁴ *Difficile est dictu, Quirites, quanto in odio simus apud in exeras gentes, propter eorum,*

And there indeed they were; for, after having taken the gold of these cities for their own pleasures and for their royal luxury of living, these Romans, who had gone so far as to deify plunder, *Jupiter Praedator*, desired statues for their gardens, pictures for their porticos, books¹ and all rare and precious objects for their libraries and museums. The nations were compelled to see their trophies, their historic monuments,² the images of their heroes and their gods, carried off to Rome and to the Latin villas. In the presence of monuments of the national renown, before statues erected in public places to recall the memory of some act of heroism, men are inspired to devotion and self-sacrifice. When they laid covetous hands upon these sacred objects, the Romans demoralized the nations as much as by massacres upon the battlefield. In their cities, now despoiled of the illustrious dead, the vanquished were like men deprived of family traditions, without a past and without a future; and those among them who felt conscious of talents and of ambition deserted these desolated homes to seek applause and fortune on a grander stage. The Achaean Polybius and the African Terence both came to live in Rome.

III. POWERLESSNESS OF THE LAW TO PROTECT THE PROVINCIALS.

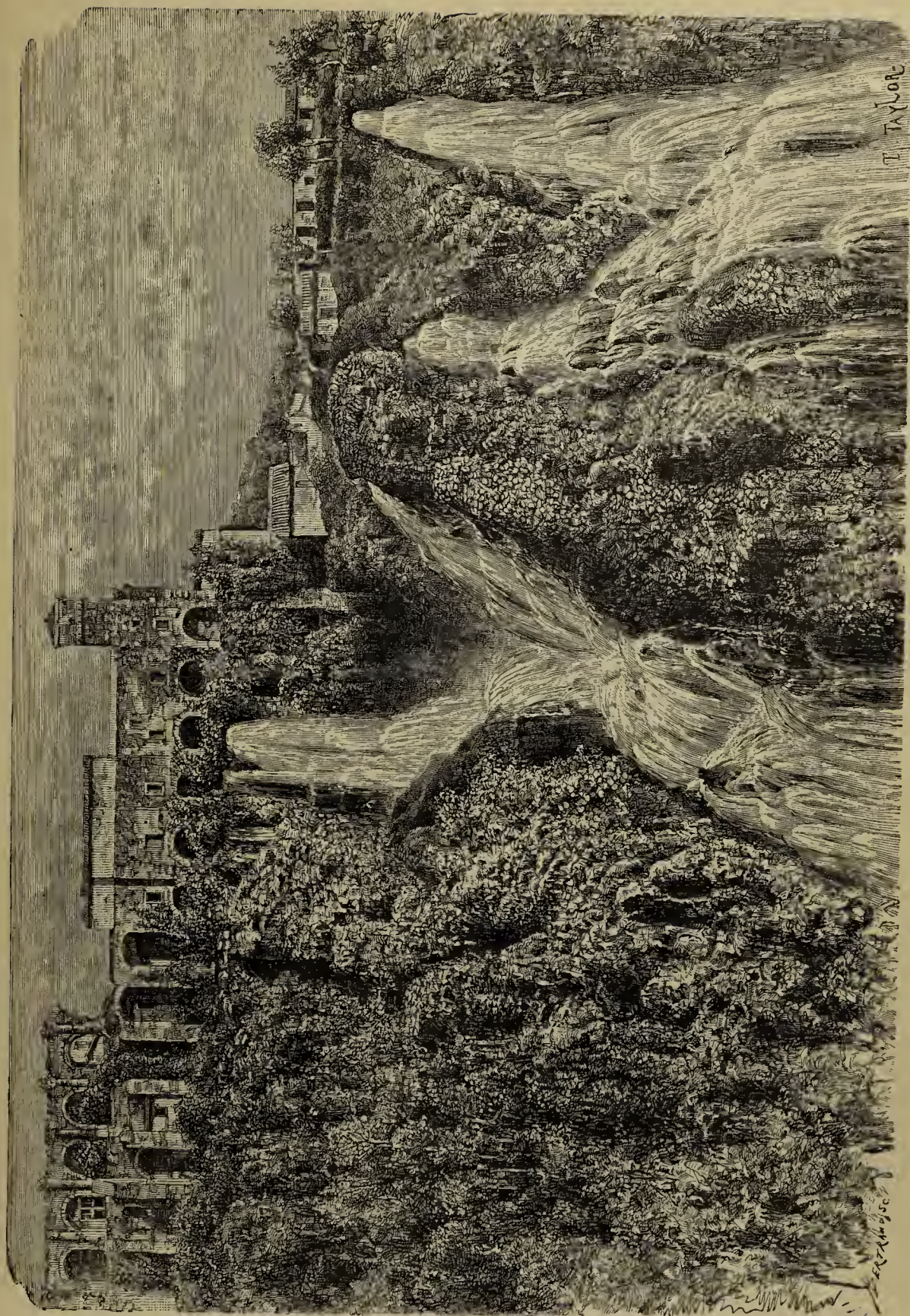
LAWS for the protection of provincials were not wanting. The repression of exactions had even been the object aimed at in a revolution in the judiciary at Rome, where originally the subject nations had no recourse except to the Senate, which often stifled the affair. In 149, the tribune Calpurnius Piso had obtained the establishment of a permanent tribunal invested with the right, till then exercised by the people only, of judging those accused of extortion.³ The

quos ad eas per hos annos cum imperio misimus, libidines, et injurias. (Cic., *de Imperio Cn. Pompeii*, 22.)

¹ Paulus Aemilius brought home all the books of Perseus (Plut., *in Aemil.*); Sylla, the library of Apellieon of Teos (*id. Sylla*, 26; Strab., xiii. 54), where were preserved the only manuscripts in existence of many of the works of Aristotle and Theophrastus.

² Paulus Aemilius had forgotten to carry off from Dion the statues that Alexander had erected there in memory of his "companions" slain at the passage of the Granicus. Metellus took them.

³ See in vol. iii., Caësar's law *de pecuniis repetundis*, which remained under the empire the basis of legislation in this matter.



TIVOLI. — CASCADES OF TIVOLI

allies, not being allowed to bring a complaint personally, were obliged to find a citizen to speak for them. If the cause promised well, if the accused had enemies, if there were some young noble who sought occasion to draw public attention to himself, they soon found a patron. Then the action began, and the Forum rang with the indignant accents of an orator who could not find anger enough for the misconduct of the accused, or tears enough for the sufferings of the provincials. The offender was condemned, especially if, at the moment, his condemnation was useful to any powerful personage or important party; but, before the sentence was pronounced, this man who had played with the life, the honor, and the fortune of the allies, would quit Rome for the delicious groves of Tibur¹ or of Praeneste, and leave to the complainants a few sesterces of indemnity.² This was going into exile, the severest penalty that could be inflicted on a Roman citizen. Roman justice was then satisfied, and the deputies had nothing more to do but to return home, and reckon, with those who had sent them, how much their long and useless embassy had cost the province. And they were fortunate if they did not some day see their eloquent defender, having forgotten his borrowed indignation, come to rule over them with the same rapacity, and repeat the same acts of injustice.

The younger Gracchus had obtained a decree that the governments of provinces should be distributed by lot;³ he hoped that

¹ Tibur stands eight or nine hundred feet above the sea, and is twenty miles from Rome, on a spur of Monte Ripoli joining Monte Castillo, and barring the valley of the Anio. The river, in crossing this barrier, undermines it, makes it tremble, and from time to time breaks through it here and there. In the year 105 A.D. (Pliny, *Epist.* viii. 17) a freshet carried away many houses and enormous masses of rock (*montes*). Another, in 1826, required extensive engineering works to save the threatened city. A tunnel was excavated through Monte Castillo, by which the river was led away, escaping from the end of it in a splendid cascade. The water distributed through the city in pipes is finally carried off by subterranean conduits, forming many little waterfalls which dash down into the valley. The one emerging from a great building called the "House of Maecenas" falls nearly a hundred and fifty feet. Switzerland has finer cascades; but they are not, like these, lighted up by an Italian sun, and covered by admirable works of art, in regions full of historic and poetic interest. (See in vol. i. page cxxxi., the Temple of Vesta, the Sibyl, or Hercules at Tivoli.)

² There was at first simple restitution; the Servilian law required it double (*frag. legis Serv.*, c. 18); the Cornelian, quadruple. (Asconius in Cic., in *Verr.* i. 17.) Under the empire, the ordinary penalty was banishment. (*Dig.*, XXVIII. ii. 7 § 3; Tac., *Ann.* xiv. 28.)

³ Cic., *de Prov. Cons.* ii. 15; *pro Domo*, 9; Sall., *Jug.* 22. The Senate first decided what two provinces should be consular, after which the consuls drew lots to determine which each should have.



BUST OF ALEXANDER THE GREAT¹
(FROM BRITISH MUSEUM).

thus the public interest alone, not that of the individual, would henceforth be consulted. But for the Pisos and Gabinii all provinces were alike, because in all there was material for plunder.

Later another plan was tried. The Pompeian law of the year 52 established that no one should obtain a province until after being five years out of office. The civil war, however, which broke out almost immediately, rendered this law useless.

After the venality and disgraceful conduct of the nobles in the Jugurthan war had restored its power to the plebeian tribuneship, the Servilian law promised citizenship to any one con-

victing a Roman magistrate of extortion. The prize offered was brilliant; but how great were the dangers if a man did not succeed! how great, even if he did!

All, therefore, were alike powerless, — laws, tribunals, and the indignant eloquence of the great orator. No man has found severer words than he against the pro-consular rule and that haughty patriciate which had been able, indeed, to conquer the world, — since a military aristocracy is best adapted to carry out with perseverance a far-reaching plan, — but knew not how to govern it, inasmuch as no power is ever more rapacious, oppressive, and insolent.² Unfortunately, Cicero, who saw the evil so well, did not see that there could be no limit to these iniquities until the day when Rome should bring the old organization of a Latin municipium into harmony with the royal fortune which the wisdom and boldness of her Senate had brought to her. For new times, new institutions are needed. As we have been for Rome

¹ This bust was probably one of the spoils carried from the East to Rome.

² An Appian speaks contemptuously of Cicero as a new man, even after all his successes at the bar and at the rostra, even after his consulate. (Cic., *ad Fam.* iii. 7.) If we exclude the exactions of the governors, the tax levied by Rome was light, — about two hundred million sesterces annually, or less than eleven million dollars.

against the Samnites and against Carthage, we are now against Rome in behalf of humanity, and we say without hesitation, that it was necessary that the empire should become the patrimony of one man, and that all, the conquerors especially, should feel over them the hand of a master keeping them subject to law and justice. But this regal authority, which the provinces would have hailed with acclamations,¹ was not yet to appear amidst the chaos of domestic dissensions; and since a master, a saving divinity, as the Greeks said, did not appear at Rome, they sought him in the East, where two powerful States were at that time in process of formation,—Armenia, which owed her fortune to the weakness of the Parthians and Seleucidae; and Pontus, which owed hers to the genius of her king, Mithridates VI. Eupator.

¹ Tac., *Ann.* i. 9, ii. 44. See also what is said by Strabo, himself a provincial (vi. 4. 2, *ad fin.*).

² From an ancient painting belonging to the Barberini.



ROMA DEA.²

CHAPTER XLV.

INSURRECTION OF THE PROVINCES.—MITHRIDATES.

I. MITHRIDATES.

FOR the last forty years, as we have said, the Roman world had been agitated by the repeated complaints of the poor of Rome, of the Italians, even of the slaves: it was now to feel those of the provincials. As upon an ocean scourged by tempests, the threatening waves had succeeded one another: the Gracchi had attacked only the privileges of the great; the Italians, those of Rome; Mithridates was now to attempt to break down everything, great and small, and reduce conquered and conquerors alike to one common ruin. He would have had no success had there not



COIN OF THE
CYRENAICA.¹

existed in his favor an actual conspiracy of all the Greek-speaking provinces. Their deputies encouraged him in his hopes, and they came to him, not from Asia only, but from the Cyrenaica, from Carthaginian Africa,² from Athens, and from many peoples of continental Greece. That Gaul and Spain did not share in this movement is due to the fact that they were yet too barbarous for their policy to rise to the conception of a general league among the provinces: meanwhile, during the Social war, and while Mithridates was yet busy with his preparations, the Thracians, excited by him, fell upon Macedonia; in Narbonensis the Salluvii took up arms, and the Celtiberians and Lusitanians, who had but just laid them down, resumed them under the leadership of Sertorius.³ Also, in spite of what has been said of this Roman aristocracy, who regarded

¹ Rayed female head. On the reverse, beardless head of Jupiter Ammon. Gold coin of the Cyrenaica.

² Eutropius, vi. 11; Athenaeus, v. 50.

³ Appian, *Bell. civ.* ii. 99-100. In the year 93 Didius obtained a victory over the Celtiberians, and Licinius Crassus over the Lusitanians. (Clinton, *Fasti Hellen.*)

the world as their prey, it is wonderful to see them, in the midst of these storms coming up at once from all quarters of the horizon, facing the tempest, braving all dangers, like the indestructible rock on which their Capitol was built, and to which the poet promises eternity . . . *Capitoli immobile saxum.*

Besides, were their enemies any better men than they? The dominion of Rome was very severe, her praetors very rapacious, the provincials very wretched; but read the history of the Ptolemies and the last of the Seleucidae, especially from the time of that Antiochus VIII. who forced his mother Cleopatra herself to drink the poison that she had presented to him. Consider in these royal families all natural sentiments outraged by unnamable vices and crimes, by incest and parricide, by murder in all forms, — mothers killing their sons, and sons their mothers, brothers murdering each other, everywhere intrigue, treason, revolt, authority contemptible and powerless, rags of the purple snatched for a moment's adornment, a frightful destitution among the people, and nowhere either the consolations of liberty or the tranquillity of despotism,¹ — and can any one say that these States and dynasties were not doomed to perish? The period of the successors of Alexander was the shameful death-struggle of the Graeco-Oriental world. Under this exterior decomposition, no doubt healthful forces were at work. Whilst empires were grinding each other into dust, ideas and beliefs were mingled; and beneath the heavy hand of Rome, which was at last to discipline this chaos, a moral revolution was preparing. The Senate was not conscious of what it did; but, pride and the instinct of domination impelling it, calm and strong as fate, it brought all these nations together in that unity of rule which alone rendered possible a unity of faith. This was the fortune, and these the destinies, that one man attempted to arrest, and for thirty years seemed to succeed in his attempt.

¹ See the history of Ptolemy IX. and of the five sons of Antiochus VIII., contemporary with the epoch of which we are speaking; *Mutuis fratrum odiis et mox filiis inimicitiis parentum succedentibus, cum inexpiabili bello et reges et regnum Syriae consumptum esset.* . . . (Justin, xl. 1.) After the death of the last of the sons of Grypus, Aretas, an Arab chief, seized upon Coelesyria. (Joseph., *Ant. Jud.*, xiii. 15, 2.) In 87 the Syrians called in Tigranes of Armenia, who reigned peaceably over Syria until the victories of Lucullus in 69. (Just., xl. 1.) Eastern Cilicia also acknowledged Tigranes. (App., *Syr.* 48.) Laodice, wife of Ariarathes V., poisoned five of his sons to secure the kingdom for the sixth. (Justin, xxxvii. 1.)

Mithridates VI. Eupator, whom historians have called "the Great," inherited from his father, the faithful ally of the Senate,¹ nothing but the kingdom of Pontus (120). He was then scarcely twelve years old,² but very early manifested his ambitious and indomitable character. His mother was to govern the kingdom



COIN OF MITHRIDATES THE GREAT.⁴

during his minority; but she became his first victim; his brother, the second. The courtiers, in alarm, sought to free themselves from so terrible a master;³ but he defeated their plots. For seven years he never slept under a roof, wander-

ing in the woods, hunting wild beasts over the plains and mountains, sometimes making a thousand stadia⁵ in a day, and acquiring by these violent exercises a constitution which braved the fatigues of half a century of war. Like Attalus of Pergamus, he made a study of vegetable poisons, and familiarized himself so thoroughly with dangers of this kind that it was believed he had nothing to fear from them. Brave, as well as strong and agile, he was the best soldier in his army, and could manage a team of sixteen horses harnessed to his chariot. Age never seemed to obtain any hold upon him, and at seventy he was still fighting, bearing upon his body as many scars as he had fought battles.

By the pomp with which he loved to surround himself, by his harem, and by his contempt for human life, he was an Asiatic king; by his taste for letters, sciences, coins, precious vases,⁶ and

¹ He brought assistance to Rome with troops and ships in the Third Punic War and in the war against Aristonicus, which brought him in return a portion of Phrygia. (Appian, *Mithr.* 10.)

² Strabo (x. p. 477) and Justin (xxxvii. 2) call him eleven years old at his accession to the throne; Appian (*Mithr.* 112) twelve; Memnon (chap. xxx., ed. Orelli) thirteen: but Strabo was a native of the country, and ought to be best informed.

³ The Pontic nobles were a real feudal power. Strabo mentions one, a relative of his, who gave up to Lucullus fifteen fortified castles. (xii. 3, 33.)

⁴ Diademed head of Mithridates VI. On the reverse, ΒΑΣΙΛΕΥΣ ΜΙΘΡΑΔΑΤΟΥ ΕΥΠΙΑΤΟΡΟΣ. Pegasus, a star, a crescent, and a monogram in a wreath of ivy and grape. Tetradrachm of Mithridates the Great.

⁵ A stadium = two hundred yards.

⁶ The colored lithograph represents the famous Bacchic cup of the *Cabinet de France*

engraved gems, he was a Greek prince; by his indomitable courage, a barbarian chief.¹ The position of his kingdom explains this,—Pontus, bounded towards the sea by the Greek republics of Amisus and Trebizond, on the east by the barbarous tribes of Iberia and Colchis, on the south by Armenia, whose king, Tigranes, assumed the title of Monarch of the East. Mithridates visited all these nations; he studied their strength and their weakness, and acquired their languages; he could, it is said, speak twenty-two dialects,

COIN OF AMISUS.²COIN OF TREBIZOND.³COIN OF COLCHIS.⁴

and talk with all the barbarous tribes of Scythia and the Caucasus without an interpreter.

In unskilful hands Pontus would have remained an obscure state: an able ruler, on the contrary, could find elements of power there. Its savage inhabitants, and all the barbaric lands that surrounded it, would supply warlike soldiers; while the Greeks of the seashore, if he could interest them in his cause, would put at his service the resources of civilization. Great men are not everything in history: witness Rome, where they did but little. In the case of Pontus, however, its fortunes during a half-century depended exclusively upon Mithridates.⁵

No. 279 of the Catalogue. It has been called the *Vase of Mithridates* and the *Cup of the Ptolemies*. A Carlovingian king in the ninth century presented this splendid piece of Oriental sardonyx to the treasury of the abbey of S. Denis, where it remained till the Revolution. It is decorated with the attributes of the worship of Bacchus, and Priapus and Ceres are represented on it. (Cf. Chabouillet, *Catalogue général et raisonné*, etc., pages 51-54, and Saglio's *Dict. des Antiq.* at the word *Carchesium*, page 919.)

¹ Velleius Patereulus (ii. 18) depicts him thus: *Bello acerrimus, virtute eximius, aliquando fortuna, semper animo maximus, consiliis dux, miles manu, odio in Romanos Hannibal.*

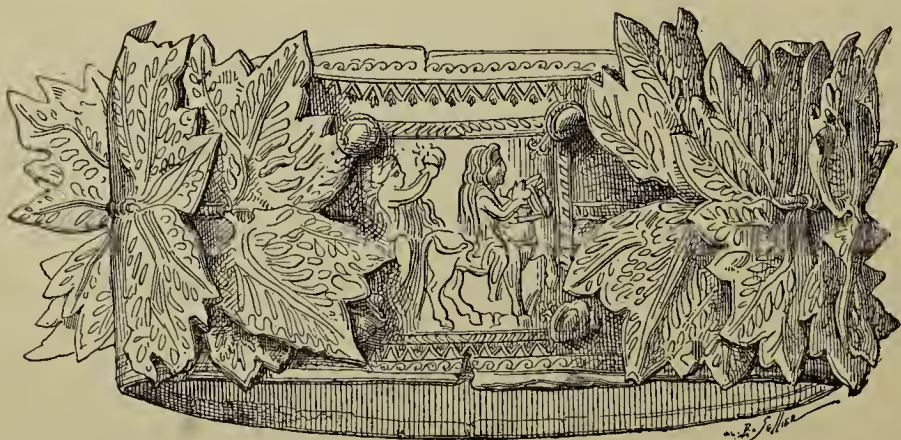
² Turreted female head. On the reverse, MYAA ΠΕΙΤ, two monograms (names of unknown magistrates). Owl, front view. Didrachm of Amisus.

³ TPA, first letters of the Greek name (τραπέζους) of this city, which signifies a table; a table covered, it is explained, with pieces of money. Reverse of a silver coin of Trapezus (Trebizond).

⁴ *Couchant* lioness. On the reverse a unicorn with kneeling human body. Unique silver coin of Colchis. (*Cabinet de France*.)

⁵ Pontus was the narrow coast of the Euxine, stretching from the Phasis on the east, where

Returning home after a long absence, he decimated his court which had believed him dead, and killed Laodice, his sister and wife; he then organized his armies, and lending aid, through motives of self-interest, to the king of the Cimmerian Bosphorus, Parisades, he delivered him from the Scythians, Sarmatians, and Roxolani, but compelled him to descend to the position of vassal, and pay into the Pontic treasury two hundred talents yearly. His generals penetrated as far as the mouths of the Tyras (Dniester), where one of them constructed a fort, called, from his own name,



FUNERAL FILLET OF AN INHABITANT OF PANTICAPAEUM (NEAR KERTCH) ONCE THE CAPITAL OF THE CIMMERIAN BOSPHORUS.¹

the tower of Neoptolemus; and already his emissaries were busy in Thrace and in the valley of the Danube. On the death of Parisades, the Pontic king added the Bosphorus to his estates. A hill in that country is called to this day the hill of Mithridates, in the neighborhood of Kertch, near the famous tumulus of Koul-Oba, which contained so many magnificent works of Greek art.³



PARISADES.²

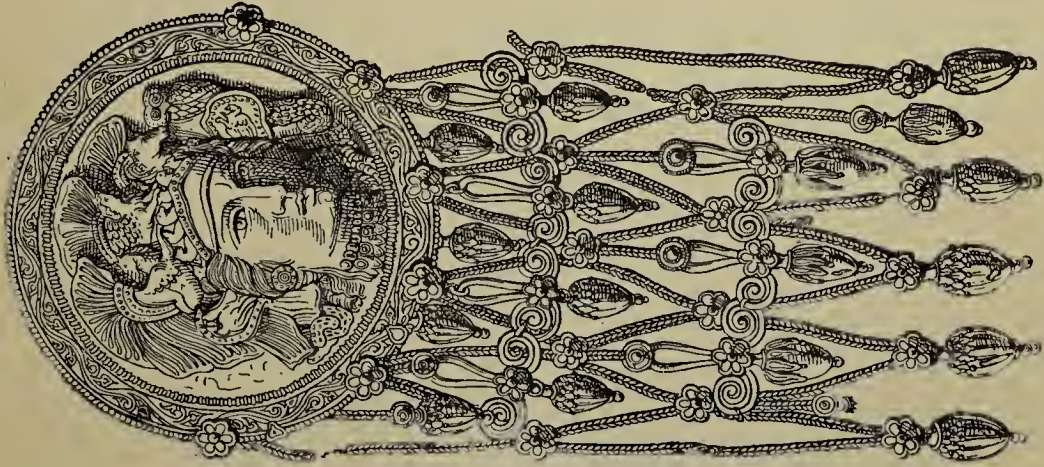
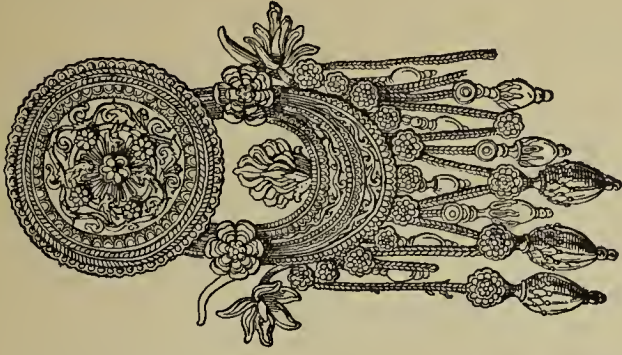
This kingdom of the Cimmerian Bosphorus, very ancient and very rich, had been the granary of Athens, that city having been

it bordered upon Colchis, as far as beyond the Halys in the west, where its kings made their residence at Sinope. On the south this kingdom was bounded by Galatia, Cappadocia, and Lesser Armenia.

¹ The skeleton was covered with a gold-embroidered tunic. (*Ant. du Bosph. cimmér.*, pl. 3, no. 3.)

² Diademed head of Parisades II., king of the Cimmerian Bosphorus. Gold coin.

³ These treasures, discovered by a Frenchman, Paul Dubrux, are now in the Museum of the Hermitage at St. Petersburg. They are, however, represented in a work (*Antiquités du Bosphore cimmérien*) published in Russian and in French by the Imperial Government, from which work we borrow some designs.



JEWELS FOUND AT KOUL-OBÄ (PAGE 665).

accustomed to receive from it annually four hundred thousand medimni of corn, and it also fed many other Greek cities.¹ The Milesian colony of Panticapaeum was at first the centre of this immense commerce in corn. About 363 B.C., Leucon, "the magnificent prince," had been obliged to open at Theodosia another port, capable of receiving a hundred merchant-vessels. In this way great wealth accumulated in the hands of these clever speculators, and they were in a position to attract to the Chersonesus the most distinguished Greek artists. In their tombs are found splendid ornaments with which they adorned the dead.²

Mithridates proposed to utilize in other ways resources so extensive. From his palace of Sinope he saw the waves roll in from the Caucasus and the coasts of the Tauric Chersonesus; and he might well say that this Euxine Sea was his own, — a magnificent basin in which to form and exercise a fleet far from all jealous eyes.

The kings of Pontus had never before dreamed of a maritime empire. They were more apt to look towards Asia Minor, and, as if to go out to meet the civilization of the Greek world, they had audaciously established their capital at the extreme west of their territory, at Amasia, in a deep gorge, through which flows the river Iris. In placing here their fortress, their treasures, and their tombs, and thus making this city the holy place of the dynasty, they had imposed upon themselves the necessity of advancing their frontier in this direction, — a work which was especially tempting to the ambition of Mithridates.

In Asia Minor the Romans at this time occupied only the western portion; the rest of the peninsula remaining a chaos of republics, kingdoms, and tetrarchates. Cilicia, the insecure possession of the Seleucidae and of the kings of Cappadocia, was a lair of pirates, whom Rome had already chastised, and whom she essayed to restrain by forming on their coast a military establishment in the year 103. Phrygia and Paphlagonia knew not to whom they belonged. Mithridates regretted the loss of the former, which the Senate had taken from him at the time of his accession:

¹ The medimnus was about a bushel and a half. Athens gave citizenship to Leucon, king of this country, and to his sons

² See page 663.

for the partition of the latter he had made an agreement with Nicomedes II. of Bithynia. The Romans having summoned the two princes to abandon this province, Nicomedes withdrew, giving one of his sons for king to the Western Paphlagonians; but Mithridates replied haughtily, "This kingdom belonged to my father, and I am astonished that any one should dispute my right to it." To this conquest he added an alliance with the Galatians, who later furnished him auxiliaries at the time of his expedition into Greece; and to secure Cappadocia, whence he might attack Phrygia, which the Romans had taken from him during his minority, he now caused his brother-in-law Ariarathes, King of Cappadocia, to be killed. One of this prince's children he murdered with his own hand, drove out the other, and ended by placing upon

ARIARATHES VI.¹

the throne his own son, eight years of age. The Senate, at this time occupied with the war against the Cimbri, paid little attention to these palace-tragedies. However, when the widow of Ariarathes VI. — herself sister of Mithridates, and now wife of

Nicomedes II. — ventured to claim Cappadocia for an impostor, whom she presented as the brother of her two murdered children, while the King of Pontus affirmed that his own son was the true son of Ariarathes, the Senate, at last becoming indignant, punished the two kings by ordering Nicomedes to relinquish Western Paphlagonia, and Mithridates, Cappadocia, and declared the latter country to be free.

NICOMEDES II. OF BITHYNIA.²

The people of Cappadocia were alarmed at this liberty. They supplicated the Senate to give them a king, and Ariobarzanes was chosen.³ All these crimes and intrigues had resulted, therefore, in provoking a threatening intervention, and in placing Cappadocia still more under the influence of Rome.

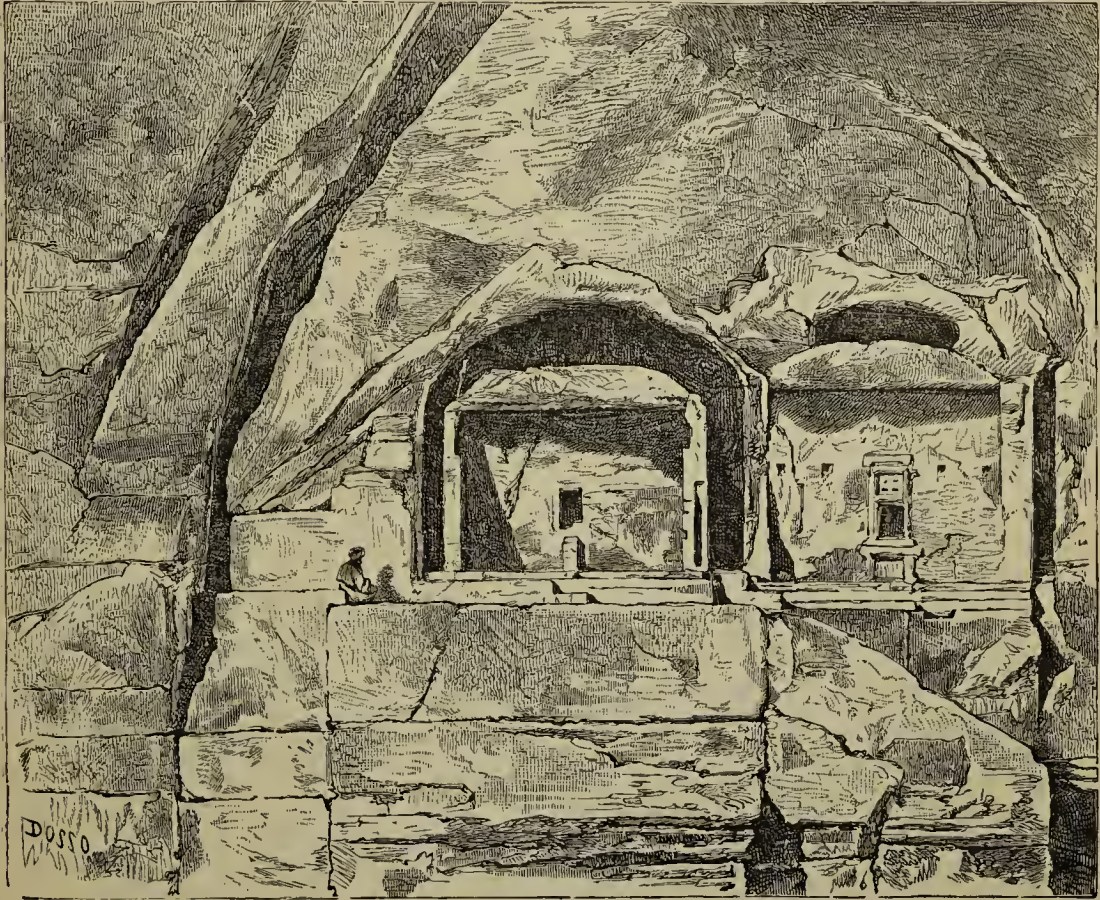
The King of Pontus did not consider himself defeated. He let this quarrel drop; and, to avoid Roman

¹ Diademed head of Ariarathes VI. From a silver coin.

² Diademed head of Nicomedes II., King of Bithynia. From a tetradrachm.

³ St. Martin places this event in the year 99; Clinton (*Fasti Hellen.*), about 94: it is probable that the true date is 93.

notice, he carried his arms into Colchis and the Trans-Caucasian regions, where he subjugated a great number of Scythian tribes. These expeditions trained his troops, and augmented his forces, by bringing him into relations with tribes which asked nothing better than to sell their courage.



TOMBS OF THE KINGS OF PONTUS.¹

When Mithridates found that the attention of the Senate was occupied elsewhere, he resumed, notwithstanding the threats of Marius, his earlier projects, in which he had been able to interest the powerful King of Armenia, Tigranes, husband of his daughter

¹ Perrot, Guillaume, and Delbet, *Expl. scientif. de la Galatie*, pl. 78. The description given by Strabo of his native city is exact to this day. It stood upon the *Iris* (Yeshil-Ermek), in a deep gorge: nature had done more than art in making it important as a city and fortress. (Cf. Hamilton, *Researches in Asia Minor*, vol. i. p. 336.) The royal tombs made in the rock have lost their rich ornamentation, which time and plunderers have destroyed, but whose undoubted traces have been found by MM. Perrot and Guillaume. A curious inscription discovered in the neighborhood (*C. I. G.* 4,174) speaks of the restoration of the funeral monuments of ancient heroes by a certain Lucius; but the monuments which he restored cannot have been those of the kings of Pontus.

Cleopatra. The two kings seem to have agreed to share Western Asia; the Armenian taking the inheritance of Cyrus, and Mithridates, the Roman province; and, with the support they were able to give each other, these hopes were by no means unreasonable. From the profits of the expedition against Cappadocia, which Mithridates proposed to him, Tigranes reserved to himself only the booty; and, when Ariobarzanes had been driven out, he, as "king of kings," gave Cappadocia to his young brother-in-law, the son of Mithridates (93). The year following, Sylla appeared as pro-praetor in that portion of Cilicia where the Romans had established themselves. He gathered a small force, crossed the Taurus (possibly by way of the Iron Gates), and restored Ariobarzanes; then he advanced far enough into the East, through Lesser Armenia, to be the first Roman who had ever reached the banks of the Euphrates. He there received an ambassador from the King of the Parthians, who was at this time friendly towards the enemies of Tigranes; and he showed in this interview an arrogance of which the unfortunate envoy became the victim, being put to death, on his return to Ctesiphon, for having allowed the place of honor to the Roman praetor. The scene had been expressly arranged to impress the Asiatic mind, which has always felt a respect for power. The Roman, still an obscure individual, who caused a king of Cappadocia, and the envoy of so formidable a potentate as the King of Parthia, to sit down humbly at his side, seemed, by his attitude and his haughty language, the representative of a power to which all others must yield.

This expedition, ably managed, did much honor to Sylla (92). But scarcely had he returned to Rome, when Tigranes and Mithridates overthrew the Senate's protégé, and placed a creature of their own in his stead. Mithridates pushed his advantage. To conquered Cappadocia he added Bithynia, whence he expelled Nicomedes III., establishing, instead, Socrates Chrestos, a brother of that prince who was pledged to the interests of Pontus. Long after this, the beautiful statues by Scyllis and Dipoenus, which were to be seen in the citadels of Armenian towns, attested the part that Armenia had in the conquests of the King of Pontus.¹

Mithridates was at that time really a powerful monarch.

¹ St. Martin, art. *Mithridate*, in the *Biographie universelle*.

To the modest domain left him, by his father, he had added two-thirds of Asia Minor, the Caucasus, and the kingdom of the Bosphorus. With the exception of the coasts of Thrace, all the Euxine was subject to his sway. In a political and geographical point of view, this empire lacked unity; but it supplied hordes of



THE IRON GATES ACROSS LAKE EYERDIR.¹

barbarians, paid by the treasures of the cities of the coast, who were enriched by the abundant fisheries of the Black Sea; by the fertility of the Crimea, and the auriferous sands of the Ural, whose precious deposit the Scythians exchanged for the merchandise of Greece; and, lastly, by a portion of the Indian

¹ Arundell, *Discoveries in Asia Minor*, vol. i. page 330. The traveller Paul Lucas, though often guilty of exaggeration, gives an accurate description of the Iron Gates: "On the right," he says, "is the mountain with precipitous rocks; at the left are formidable precipices. The road, which is halfway up the mountain, overhangs the lake at a height equal to that of the towers of Notre Dame. The place was once an important pass. The road has manifestly been hewn out of the solid mass, for the rock is absolutely impassable, and perpendicular as a wall. A gateway built of hewn stones exists still; the gates themselves being of wood, mounted with iron; but they have been much impaired by time."

commerce, which at that time followed the route of the Oxus, the Caspian Sea, and the Caucasus. With these resources, and his alliance with Armenia, Mithridates was justified in vast hopes. But Tigranes died,¹ assassinated by one of his generals; and his successor, occupied with making his position secure, recalled the Armenian troops from Asia Minor (91). The Senate, with their wonted ability, turned this tragedy to profit. Although the storms about to burst upon Italy and upon Rome were visibly drawing near, orders were sent to the praetor of Asia to replace upon their thrones Nicomedes and Ariobarzanes. Mithridates offered no resistance. He retired into his kingdom of Pontus (90), and allowed Nicomedes to ravage Paphlagonia, and thereby obtain means for the payment of his Roman creditors (89).

II. CONQUEST OF ASIA MINOR BY MITHRIDATES (88); INVASION OF GREECE (87).

SILENTLY, however, the Pontic king went on with his preparations. Four hundred vessels were in his harbors, and he still continued building. His emissaries, meanwhile, were gathering sailors and pilots in Egypt and Phoenicia, soldiers among the Scythians, Thracians, and even the Celts on the shores of the Danube; and innumerable bands of barbarians were coming across the Euxine, or traversing the defiles of the Caucasus, while three hundred thousand men were already assembled.² A part of the Galatians, "the nation to whom Rome had once paid a ransom," consented to follow Mithridates, and Asia called upon him to advance. Finally he threw off the mask, sending one of his generals to reproach the proconsul Cassius with the acts of



SCYTHIAN WARRIOR
ARMED WITH THE
ACINACES³

¹ St. Martin places his death in 91, following Armenian writers; Clinton, in 96. (*Fasti Hellen.* iii. 338.)

² Justin, xxxviii. 4.

³ Designed from the sheath of a short sword or poniard, called *acinaces*, found, at Nicopolis, near the mouth of the Dnieper, in the tomb of a native chief. (Saglio, *Dict. des Antiq.*, page 32, fig. 60.)

injustice which Rome had committed towards himself as regards Phrygia and Cappadocia. He enumerated all the forces at his dis-



INDIAN BACCHUS CALLED SARDANAPALUS (PAGE 673).¹

posal and the many allies he could find even in Italy among the subjects of Rome.² “Weigh all these considerations,” he concluded, “return to better counsels, and I promise, in the name of Mithri-

¹ Colossal statue in Greek marble found in 1766 at Tusculum, in the ruins of a villa, which was perhaps that of Lucius Verus. (*Museo Pio-Clementino*, pl. 41, and Clarac, *Musée de sculpt.*, pl. 684, no. 1602.) This personage, divinity or king, wears the Assyrian costume. He is clad in a long, full tunic covered by a large mantle, on which is the name Sardanapalus in Greek letters. This inscription has excited great interest among archaeologists. Clarac believes it of later date than the statue itself. M. Alfred Maury is of opinion that Sardanapalus, identified with the bearded Indian Bacchus, is perhaps an Asiatic solar divinity. (Cf. Movers, *die Phoenizier*, vol. i. pages 462, 478, 479, and Guigniaut, *les Religions de l'antiquité*, book vii.)

² For the relations of Mithridates with the provincials, see Appian (*Mithrid.*, 16), Plutarch (*Sylla*, 11), Dion (*fr.* 116), Justin (xxxviii. 3), Athenaeus (v. 50).

dates, assistance in subduing revolted Italy: otherwise, it is at Rome that we shall finally settle our dispute.”¹

At the moment when the envoy of Mithridates was using this haughty language to Cassius (the end of the year 89), Rome was still the bloody arena of the rivalries of Marius and Sylla, and had not yet ended the Social war: a secret fermentation was at work throughout the provinces, and the proconsul himself was almost



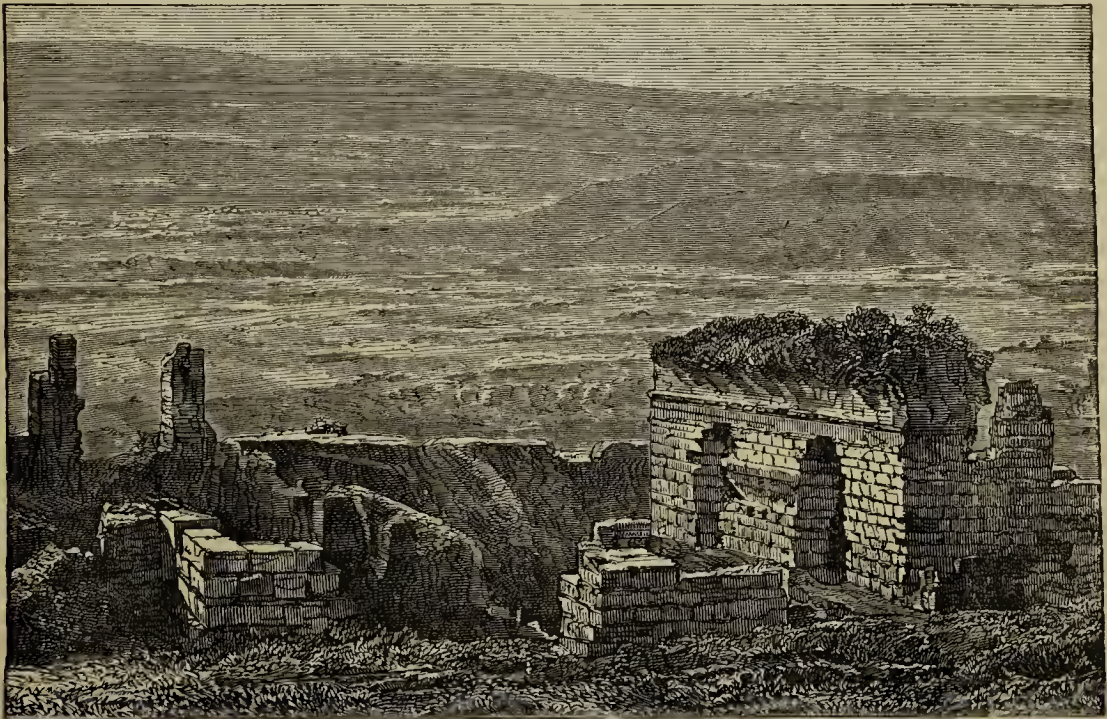
AQUEDUCT, ON THE PRINCIPLE OF THE SIPHON, AT PATARA.²

without soldiers in the midst of excited Asia. He, however, replied with an order to Mithridates to withdraw from Cappadocia. It was a declaration of war, and Mithridates had expected it. The torrent was at once let loose: Nicomedes and the consular legate Aquilius, who sought to check it at the head of those provincial levies of which Cicero speaks with so much contempt, were defeated. Mithridates drove back the proconsul Oppius from Cappadocia into

¹ Appian, *Mithrid.*, 16: ἡ ἐς Ῥώμην ἐπὶ κρίσιν ἵσμεν.

² Texier, *Descr. de l'Asie min.*, vol. iii. pl. 179. A very ancient construction, proving that the use of the siphon was understood in remote times.

Pamphylia, and in a single action destroyed the Roman fleet which guarded the entrance of the Euxine. The conqueror then sent home the prisoners he had taken, excused the debts of the cities, and promised them five years' exemption from subsidies. As a result, the people everywhere came out to meet him, and his advance was not so much a conquest as a triumphal march. They called him a saving divinity and the new Bacchus, and his noble face, recalling that of Alexander, added to the illusion. Magnesia ad



EPHESUS: RUINS OF THE GYMNASIUM (PAGE 674).¹

Sipylum, Stratonicea in Caria, and Patara in Lycia, with a few other cities, resisted the general current. To bind the Asiatic population to his cause by a sanguinary tie, the King of Pontus sent to the governors of all the cities secret orders, which were not to be opened until a fixed date. On the day appointed, at the same hour, the entire province revenged itself for its long afflictions. All the Romans and Italians in Asia were murdered; women, children, and even slaves perishing amid tortures. Not even the most venerated sanctuaries were able to protect the victims;² and, their confiscated property being divided between the

¹ *Voyage de Constantinople à Ephèse* by De Moustier. (*Tour du monde*, part 229, p. 270.)

² Appian, *Mithrid.* 61. Some authors state the number murdered at eighty thousand

murderers and the king, the latter found himself sufficiently enriched to be able to declare the Asiatics free of all tax for five years. Ephesus among all these cities signalized her hate. When there were no more Romans left to kill, the inhabitants turned their fury against monuments erected by them or in their honor; and the city fairly earned the distinction of being the capital of the new empire. Cassius meanwhile had made his escape to Rhodes; but



COIN OF MITYLENE.¹

Oppius, being given up by the people of Laodicaea, was carried away in chains by Mithridates. Aquilius, betrayed by the Mitylenians, was exhibited to public derision in the principal cities, until at Pergamus he was put to death by pouring molten gold into his mouth

(88).² Rome thus expiated, by the death of nearly a hundred thousand of her citizens or her allies, and by a shock which made the whole empire tremble, the abominable exactions of her proconsuls and her publicans; and the retribution was just.

The first part of the plans of Mithridates had now been carried out. Asia had been subdued, with the exception of a few cities that still held out; one of them, Rhodes, making a brilliant resistance, and giving shelter to the Romans who had escaped from the massacre. Several times, Mithridates attacked it, but was always unsuccessful, and in one of these naval battles narrowly escaped with his life. He passed the winter of 88–87 at Pergamus in order to be near Greece, and celebrated there with great pomp his marriage with the beautiful Monima, a Greek of Stratonicea or Miletus, who had refused his offers until he consented to bestow upon her the rank of queen. The fault which had ruined Antiochus³ now became disastrous to Mithridates. The great king gave place to the voluptuous satrap, and lost the opportunity for striking a decisive blow. The Pontic king, however, did not forget himself so entirely as did Antiochus. During the wedding festivities the Asiatic despot had sent out from his palace his orders for the

(Val. Max., ix. 2); others, at a hundred thousand, and even at a hundred and fifty thousand. (Plut., *Sylla*.)

¹ Laurelled head of Apollo. On the reverse, MYTI, lyre, and serpent. Silver coin of Mitylene.

² Appian, *Mithrid.* 21. According to Diodorus (xxxvii. 27), he killed himself to escape from insults and tortures.

³ See p. 115.

massacre; and he now made ready to profit by the Civil war which was detaining the legions in Italy, to fulfil his promises to the Italians and Greeks.

The Greeks were keenly alive to the events taking place on the opposite shore of the Aegean; and the rhetoricians did not fail to extol in pompous language the generosity of the king, the liberation of Asia, and the revival of the Hellenic race. The Athenians, always mindful of the great achievements of their ancestors, were now the most excited. They had suffered less than others from proconsular exactions, and Rome had shown them very unusual consideration. But their immense vanity was not content with the trivial part which they now played in the world; and they were indignant to see eminent Romans, like the orators Crassus and Antonius, traverse their city without rendering her the customary homage, disdaining her marvels, her yet famous schools, and in the city of Sophocles and Demosthenes affecting to speak "their own barbaric language."¹ Accordingly, Athens had readily accepted the offers made to her by Mithridates. That city was now to be the base of operations for the Pontic army. The siege she endured was the most considerable incident of the war; and, as if to show that it was not so much a question of the independence of a little nation as of a struggle which had already been going on for more than a century between the Hellenic and the Latin civilizations, the defence was conducted by two philosophers, Aristion and Apellicon of Teos; and it was the representative of the old Roman party who in the end forced the gates.

In the spring of the year 87 the Pontic fleet, mistress of the Aegean Sea, transported into Greece an army under the command of the Cappadocian Archelaus; while, on the north of the Hellespont, one of the king's sons, Arcathias, was gathering another army, to be augmented on its march by the Thracian and Danubian tribes, among whom the emissaries of Mithridates had long been at work. This plan was skilful. The Roman governor of Macedonia, who alone in Hellas had some troops at his disposal, would find himself hemmed in between the two Asiatic armies. But the one hundred and fifty thousand men whom Mithridates promised to send into Greece were a kind of troops that Flamininus

¹ See Hinstin, *Les Romains à Athènes*, p. 68, seq.

had once characterized by telling a story;¹ and the same king who had conducted the Asiatic war with so much resolution and celerity now carried on the European campaign with inexplicable delays. Archelaus, who ought to have been able to arrive in Greece in the year 88, while Italy was yet in a blaze, reached his destination only in the following year, when the great conflagration was nearly extinguished; and the king's army spent a whole year in going from Lampsacus to Thermopylae. Archelaus easily brought about the defection of Athens, long before prepared by the philosopher Aristion, also of Euboea and the Peloponnesus, and of Boeotia, with the exception of Thespieae; also the two fortresses of Chalcis and of Demetrias still remained in the hands of the Roman party.

The first collision between the Romans and Asiatics took place in Boeotia. Bruttius Sura, the lieutenant of the governor of Macedon, drove out of Thessaly a detachment which had endeavored to capture Demetrias, for three days fought successfully with Archelaus in the plain of Chaeronea, and would have remained master of the field if the approach of the Peloponnesians had not wrested the victory from him.² The shock was so severe that it had the effect of bringing the invasion to a stand. Moreover, Sylla was coming up, and the Pontic army was not; Archelaus fell back upon the Piraeus,³ and Aristion re-entered Athens. They held only the coast of Greece; but that they held strongly, thanks to the half-insular position of Athens and their own fleet, mistress of the Aegean.

III. SIEGE OF ATHENS; BATTLES OF CHAERONEA AND ORCHOMENUS (87-85).

WHILE fighting was going on in Boeotia, Sylla had crossed the Adriatic with five legions—about thirty thousand men—and the

¹ Sec p. 114.

² The arrival of Sylla in Greece put a stop to all these movements; in the further progress of the war the Peloponnesians were entirely out of account.

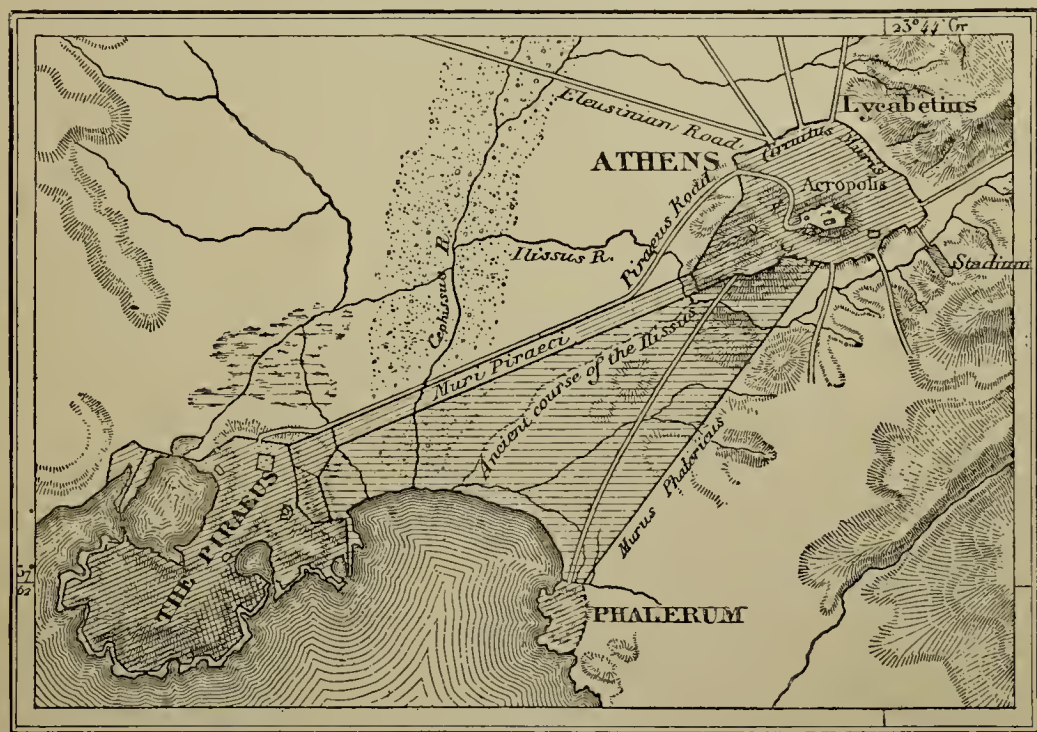
³ Lebas and Waddington, *Voyage archéol.* pl. xii. [The Piraeus is now a very different place from what it was. It contains twenty thousand inhabitants; its harbor is full of ships, and, sad to relate, a rapidly increasing number of factory chimneys is defacing the place. The harbor, though not large, is perfectly sheltered, and deep up to the shore, and is able to hold many ships of war, together with merchantmen and steamers.—*Ed.*]



CUP WORKED IN ORIENTAL SARDONYX

Cabinet de France

little gold that he had been able to obtain by the sale of the consecrated treasures of the temples.¹ He levied some auxiliaries in Thessaly, Aetolia, and Boeotia, and marched upon Athens, leaving strong detachments at Megara to close the isthmus, and at Eleusis, to keep open the route to Boeotia, which was to supply him with provisions. Athens was connected with the Piraeus by the Long Walls of Themistocles; and with the aid of the Pontic fleet the Piraeus was constantly receiving soldiers and provisions, which were sent into the city. Sylla at first devoted all his efforts to separating the city from its harbor by breaking through the Long Walls.



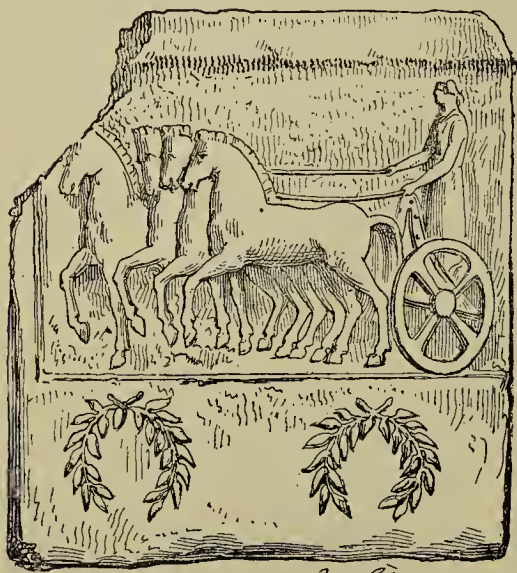
THE LONG WALLS OF ATHENS.²

He then made a furious attack upon the Piraeus, sparing neither his soldiers nor himself; for, proscribed at Rome as he was, it was only by a victory, and a prompt one, that he could save himself. To construct his machines of war he had cut down the fine trees of the Lyceum and the Academy; to pay his soldiers he pillaged the temples of Delphi, Epidaurus, and Olympia, promising that the

¹ App., *Mithrid.* 22. Orosius, v. 18: *Loca publica quae in circuitu Capitoli, pontificibus auguribus, decemviris et flaminibus in possessionem tradita erant, cogente inopia, vendita sunt.*

² [The Phaleric wall fell into decay as soon as Pericles completed the southern Long Wall (440 B.C.).]

gold should be restored after the war.¹ The priests of Delphi called to their aid presages forbidding this forced loan. They had heard the lyre of Apollo sound in the sanctuary. "It is a sign that he consents," the general said;



SCULPTURE FROM DELPHI (QUADRIGA AND WREATHS).²

"deliver over these treasures; the god himself gives them to us to fight against the barbarians; they will be safer in my hands than in yours." Meanwhile the attack on the Piraeus made no progress. Archelaus skilfully checked the advances of the besiegers, and employed in the defence all that the engineering science of the time had taught. On one occasion he ordered a grand sortie, which would have been fatal to the besieging army had it not been for the desperate courage of a Roman cohort,

whose soldiers had some military disgrace to wipe out. Winter came on before the rams had made a breach in the walls, constructed of enormous blocks. Fortunately the advance of the Pontic army was incredibly slow. The death of Arcathias still further delayed them;



BATTERING-RAM (USED BY HAND).³

and the year 86 found Sylla encamped at Eleusis with a portion of his troops, the rest posted between the Piraeus and Athens, to continue the blockade; the Pontic army besieged in these two places, Euboea and Macedon; and Mithridates still in Asia.

In the spring Sylla renewed his attacks vigorously; but Lucullus, whom he had sent into Egypt to collect vessels, had not been able to

¹ Plutarch, *Sylla*, 12. He kept his word; but it was the Greeks who paid for him. After the battle of Chaeronea he consecrated to Jupiter and Apollo half the territory of Thebes to compensate the temples for the treasures that he had "borrowed" from them. (Plutarch, *Sylla*, 27.)

² Lebas and Waddington, *Voyage archéol.* pl. xcii. fig. 2.

³ Bas-relief of Trajan's Column. (Bartoli, *Colonna Traj.* pl. xxii.) Dacians attacking

form a fleet capable of disputing the seas with that of the Pontic king. Despairing of the capture of the Piræus, so long as Mithridates remained master of the seas, he turned his efforts against the city. Athens was already suffering from famine; it is asserted that the medimnus of corn was sold at one thousand drachmae.¹ However, Aristion, master of the citadel, and supported by the troops which Archelaus had furnished him, did not speak of surrender. According to Plutarch, who manifestly calumniates him, this sophist, turned general, was a wretch in whom all the vices contended for mastery. His nights were spent in revels, and by day he appeared upon the walls to insult the Romans, Metella, their general's wife, and Sylla himself, whom, on account of his roughened complexion, Aristion compared to a mulberry powdered with meal. The philosophers of that time believed themselves to be statesmen and even warriors. The Peripatetic Appellicon of Teos also had a command in Athens.³ He was very fond of books, bought them everywhere, and stole them from the

COIN OF ATHENS.²COIN OF APPELLICON.⁵

public collections,—fortunate thefts, we may say, for Appellicon suffered from the *lex talionis*; Sylla seized his library and carried it to Rome. The manuscripts of Aristotle were a part of it;⁴ they were copied, and Andronicus of Rhodes prepared from them the first known collection of this master's works.

The walls which Themistocles had built still arrested the advance

city walls by means of a beam terminating in a ram's head. We commit an anachronism in borrowing a detail of Trajan's Column to show the use of this machine, which, according to Pliny (*Hist. Nat.* vii. 57), is of very ancient date. On an architectural monument the soldiers are naturally represented exposed; in siege operations, however, they handled the ram under movable shelters.

¹ Plut., *Sylla*, 13.

² Coin of Athens. On the obverse, the head of Minerva; on the reverse, the name of Mithridates, ΒΑ(σ)ΙΛΕ(ὺς) ΜΙΘΡΑΔΑΤΗΣ that of the Athenians, ΑΘΕ(ναίων), and that of Aristion, ΑΡΙΣΤΙΩΝ. (Beulé, *Les monnaies d'Athènes*, p. 37, and *Revue numism.*, 1863, pp. 176–179.)

³ He was at the head of an expedition against Delos, and was defeated. (Athenæus, v. p. 214; Strabo, p. 609.)

⁴ [The story of the loss and recovery of Aristotle's MSS. in a cellar at Scepsis is told by Strabo XIII. i. 54, and has excited much controversy. — *Ed.*]

⁵ Beulé, *Les monnaies d'Athènes*, No. 211. ΑΘΕ(ναίων) ΑΠΕΛΛΙΚΩΝ ΓΟΡΤΙΑΣ ΑΡΤΕΝΟΣ. ΔΑ.

of Sylla, and gave the two friends time to philosophize. Meanwhile famine had spread even to the troops. Twice Archelaus made an attempt to provision the city; but Sylla, informed by two slaves, who threw into his lines hollow balls containing information, intercepted the convoys. Aristion finally decided to send to Sylla two envoys, who harangued him at great length in praise of Theseus, Eumolpus, and Miltiades. "I was not sent hither to take lessons in eloquence, but to punish rebels," said the general; and he sent them away. On the first day of March,



COIN OF ARISTION.²

86, some soldiers surprised a weak place in the defence, and the city was taken. Sylla caused a portion of the wall to be thrown down, and at midnight, with trumpets sounding the charge and the furious shouting of the whole army, he entered the city.¹ Here he respected the public buildings, but not the lives of men. It was Sylla's purpose to terrify Greece and Asia by the sack of this city, which in delaying his advance for nine months had risked his fortunes. His soldiers being satiated with blood and gold, and the terror of his name spread in all directions, he restored their liberty to those of the Athenians who yet survived, and even gave them back the island of Delos; once more Athens was saved by the memory of her illustrious dead.

Sylla now resumed the siege of the Piraeus with great activity; but behind every section of wall that his rams broke down he found another wall erected by his skilful and persevering adversary, and he was forced to conquer the place inch by inch.³ Archelaus, driven back into Munychia, which the sea surrounded on all sides, might have continued his resistance; but it was no longer worth while for the Pontic army to remain on this point of the Athenian territory. By their valiant defence they had for nearly a year kept Sylla out of Asia, and given Mithridates time to complete his preparations, and the royal army time to arrive in Greece.

¹ Plut., *Sylla*, 14.

² Beulé, *Les monnaies d'Athènes*, No. 216. The owl of Minerva, the name of the Athenians, ΑΘΕ(ναίων), and that of three monetary officials, ΑΡΙΣΤΙΟΝ ΦΙΛΩΝ ΗΓΙΑΣ ΑΠΛ.

³ Sylla, who has respected the public buildings of Athens, destroyed all those of the Piraeus. (App., *Mithrid.* 41.) Such was the carnage, it is said, that the blood shed in the market-place spread over the whole Ceramicus, ran in a stream through the gates and overflowed the suburbs.

Archelaus now embarked and sailed for Euboea, to put himself in communication with Taxiles, the new general in command of the army from Thrace, who was coming down in the rear of the legions with an army of one hundred and ten thousand men. Sylla, not being master of the sea, could not allow himself to be shut up in sterile Attica; moreover, he wished to meet Hortensius, who was bringing reinforcements to him from Thessaly. Being obliged to avoid Thermopylae, where a force of the enemy lay in wait for him, Hortensius had taken the road by Mount Pindus, and

SOLDIER ARMED WITH A SLING.¹A ROMAN TRUMPETER (CORNICEN).²

was coming down into Boeotia. Two roads—one passing to the south, the other to the north of Mount Parnes—led from Athens into the Boeotian plain, coming out at Plataea and at Tanagra, respectively. Sylla doubtless availed himself of both routes to move his army more rapidly, and made his junction with Hortensius in the neighborhood of Elatea. Thanks to Plutarch, who was a native of the country, and prepared his history by aid of Sylla's Memoirs, we are better informed than usual about the incidents of this campaign.

¹ From Trajan's Column.² From the Arch of Constantine.

The proconsul established his camp on a hill close by a stream of water. There he saw everything, and was himself seen, which was a part of his design; for he hoped that the enemy, confiding in their superior numbers and despising the small Roman force, might commit some imprudence.¹ And so it happened; for the officers and soldiers of Taxiles demanded to be led to battle, and Archelaus himself wished it. The plain was full of men and horses and chariots. The glitter of their armor,

VIEW OF PLATAEA.²

adorned with gold and silver, the brilliant colors of the Median and Scythian dress, the polished lustre of brass and steel, gave this immense mass a conspicuous and formidable aspect. But, like Marius in the presence of the Teutons, Sylla kept his army motionless behind their entrenchments, and supported with patience the taunts of the barbarians, who, encouraged by this inaction, spread themselves abroad, many days' journey from the camp, for purposes of rapine and plunder. They sacked cities, pillaged temples, and arrayed against themselves both the gods and the

¹ Plutarch gives Sylla but sixteen thousand five hundred men. But Sylla understated the number of his troops, as also that of his slain. If we say thirty thousand, of whom half were Romans, we shall doubtless come near the truth.

² Baron von Staehelberg, *Greece*. — [This view looks west towards Mount Helicon. — *Ed.*]

inhabitants of the country: the latter kept Sylla informed of all the movements of the Asiatics; the former, especially the renowned oracle of Tropho-nius, multiplied predictions of Roman successes.

To draw the Romans out of their lines, Archelaus, who commanded in chief, broke up his camp, and moved in the direction of Chaeronea, along the western shore of Lake Copais, — an imprudent movement, for, in case of defeat, he had no line open upon which he could retreat. Sylla forestalled him; for a tribune with one legion, guided by some Chaeroneans, occupied this impor-



TERRA-COTTA FIGURINE FROM TANAGRA.¹

tant city before he could arrive. The Romans found here many souvenirs of the brilliant encounters of Brutlius Sura with this second Xerxes; and such was the confidence of the soldiers that, on the arrival of the general, the tribune offered him a wreath of laurel in their name, as though the victory had already been won.

The Asiatics were posted on a hill called Mount Thurium, overlooking the city. On the arrival of the proconsul, two men of Chaeronea came to him with a proposal to conduct a small party by a secret foot-path to a point above the enemy. He accepted their offer, and made his plans to take advantage of the

¹ Heuzey, *Les figurines de terre cuite du musée du Louvre*, pl. xxii. fig. 1.

panic which this unexpected attack was likely to produce. He slowly drew out his army in order of battle, the infantry in the centre, and the cavalry on both wings; in the rear a strong reserve, commanded by Hortensius, took up their position on the higher ground to arrest a flank movement which the enemy were believed to be planning with a large force of cavalry and light-armed infantry. Sylla in person took command of the right

CHAERONEA.¹

wing, the left being entrusted to Murena; and both wings were covered by a ditch which would check the enemy's cavalry, while a palisade in front of the centre was depended upon to hamper the attack of the chariots.

The enemy's order of battle consisted in placing the chariots in the first rank; in the second, the phalanx; in the third, the auxiliaries armed after the Roman fashion, among whom were

¹ Belle, *Voyage en Grèce*. (*Tour du monde*, 1877, part 841, p. 97.) Chaeronea is now but a small hamlet, Kapurna. The remains of the theatre can yet be seen, "one of the rudest in Greece, whose stiff, narrow, and inconvenient seats are cut in a hard flint rock."—[The walls of the great acropolis, called Petraehus, are, however, very fine and well preserved. — *Ed.*]

many fugitive Italians.¹ Between the chariots and the phalanx Archelaus and Taxiles had placed fifteen thousand slaves, enfranchised by public decree in the cities of Greece.² Thus provincials, Italians, slaves, all the classes in revolt against Rome, were represented in this army of Mithridates.

As soon as the Romans appeared on the crest of Mount Thurium, the affrighted barbarians would have fled, but the rocks and stones rolled down the steep slope by the legionaries overtook and crushed them; they fell one upon another, wounded with their own weapons, and many perished without being able to strike a blow. Those who succeeded in reaching the plain were cut in pieces by Murena, or fell in among the Pontic army, arresting its march and bringing it into disorder. The scythe-armed chariots began an attack, but, embarrassed by the palisades, could get no headway. "As an arrow shot feebly from the bow falls useless, the first chariots, sent forward without vigor, are repulsed without difficulty; and the Romans call out for more, amid laughter and applause, as they would have done in witnessing races in the circus."

This gayety was of ill omen for the Asiatics. At the moment of receiving the Roman onslaught they closed their ranks and lowered their long lances, imitated from the Macedonian *sarissae*; but before his first line reached this dense mass, Sylla rained upon them the darts of the skirmishers (*velites*) and all the projectiles with which his second line was supplied. Thus gaps were produced in the line; then Sylla advanced his legionaries, who, as at Pydna, pushed aside the pikes or stepped over them fighting hand to hand.



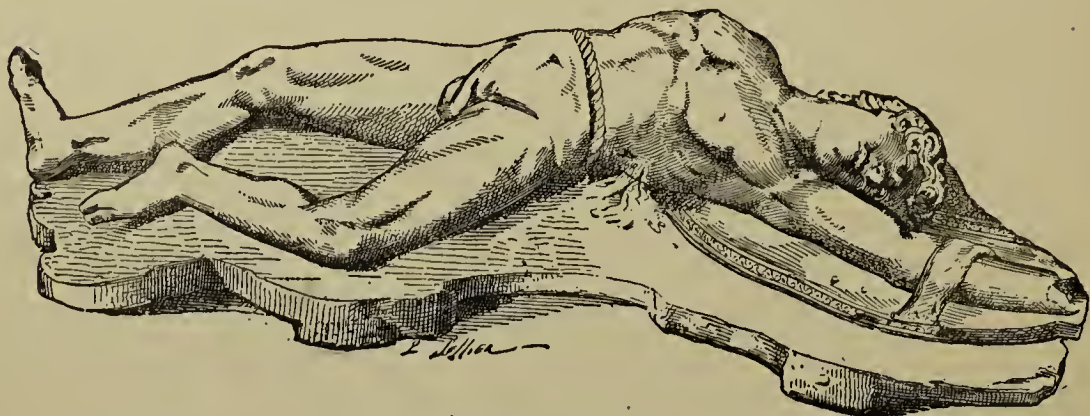
A VELES.³

¹ *Mixtis fugitivis Italicae gentes, quorum pervicaciae multum fidebat.* (Front., *Strateg.* i. 3, 17.)

² Plut., *Sylla*, 18.

³ From the Arch of Septimius Severus.

The adversaries of Rome had learned nothing by their defeats. Mithridates had not been able to find anything better as an order of battle than this, whose inefficiency should have been made evident to him by three defeats in a century: Cynoscephalae, Magnesia, and Pydna. Of the one hundred and twenty thousand Asiatics gathered at Chaeronea, ten thousand escaped to Chalcis with their leaders. The conqueror boasted that he had not lost fifteen soldiers,¹ — a falsehood which now seems most clumsy, since it gives the impression that the enemy against whom Sylla fought was contemptible. Not so, however, did it appear to the ancients, for in their eyes to gain a battle without loss was a signal proof of the protection

DYING GALATIAN.²

of the gods; and to be regarded as a favorite of heaven was a special object of ambition with Sylla. Nowadays men believe less in fortune, and more in the leader's talent.

Mithridates at once set about gathering a new army. He had promised Asia a milder rule; but he overwhelmed the country with taxes and requisitions. Conspiracies were formed, which he sought to smother in blood. The tetrarchs of Galatia, by him invited to a banquet, were murdered, as well as their wives and children. He confiscated their property, and suppressed this form of government, always a favorite with the Gauls, imposing upon them one of his satraps as king.³ Three of the tetrarchs, however, had made their escape; they collected troops, drove out the royal garrisons, and Mithridates saw a dangerous war break out in his

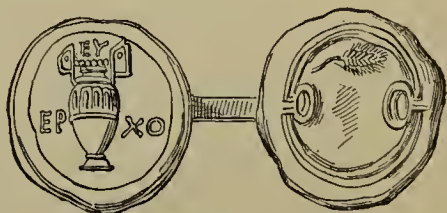
¹ Appian (*Mithrid.* 45) says fifteen were missing, but two of them came in later.

² Or gladiator, at Venice. (*Musée Saint-Marc*, vol. ii. pl. 46.)

³ So at least Sylla says in his *Memoirs*. Cf. *Plut.*, *Sylla*, 19, and *App.*, *Mithrid.* 45.

rear. At Chios he compelled the people to give him two thousand talents; then, under the pretence that the amount was not complete, one of his admirals carried off all the inhabitants, and landed them on the Pontic coast; at Adramyttium he caused the senators of the town to be all put to death. Tralles, Metropolis, Pergamus, Ephesus even, alarmed at the fate of Chios, massacred the king's officers and closed their gates.¹ To arrest the defection of the others, Mithridates granted to debtors release from their debts; to foreigners established in the cities, the rights of citizenship; and to slaves, emancipation. Having thus secured to himself a powerful party among the populace of each city, he ruled by terror over the nobles and the rich. Informers, encouraged by him, announced daily some new conspiracy; plots were formed in his very court, and in a short time sixteen hundred accused persons were put to death with tortures. Mithridates had succeeded in making the Greeks of Asia regret the rule of the Roman proconsuls.

Sylla was still at Thebes, celebrating his victory by games and festivals, when he learned that Valerius Flaccus, who had succeeded Marius in the consulship, was crossing the Adriatic with a large army. At the same time a general of Mithridates, Dorylaus, arriving from Asia with eighty thousand men, landed at Chalcis.² Between two dangers, Sylla chose the more glorious one, and marched against Dorylaus, who was advancing rapidly into Boeotia with a large force of cavalry. "Of all the plains in Boeotia that are renowned for their beauty and extent, this alone," says Plutarch,



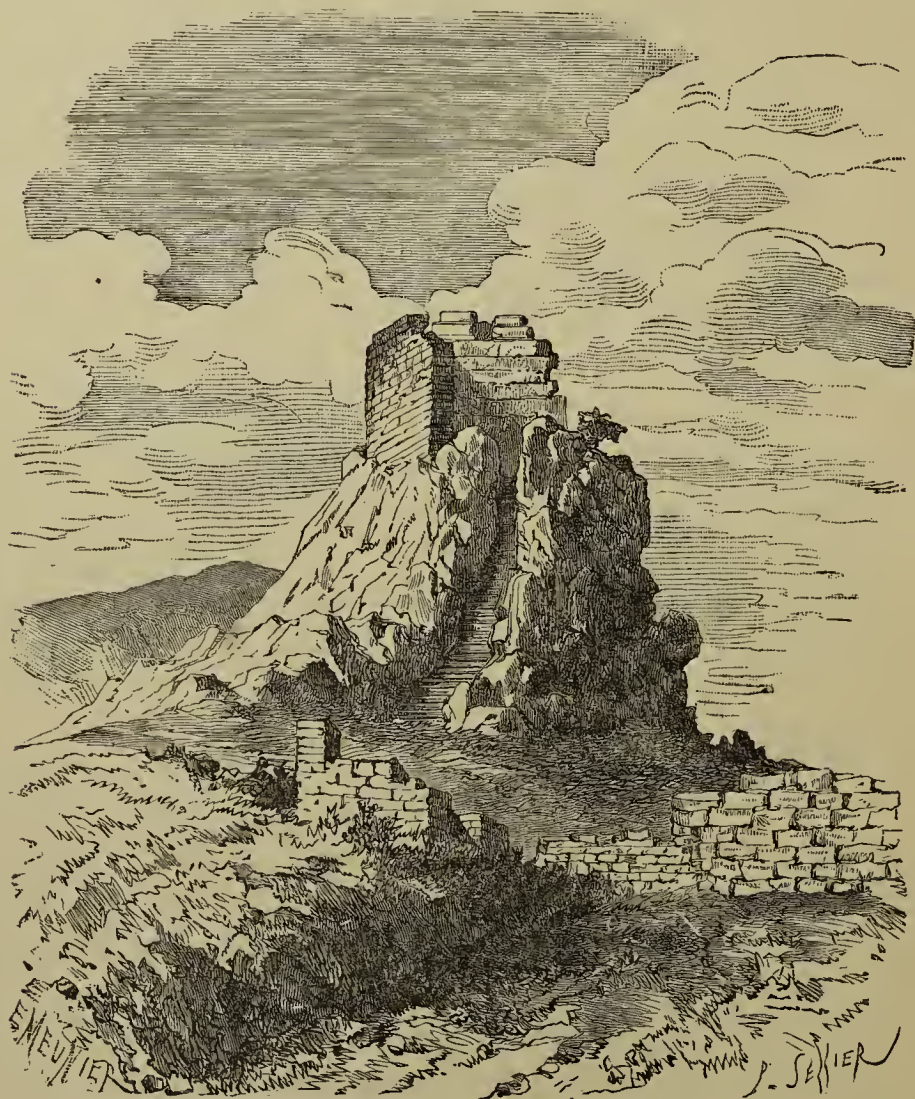
COIN OF ORCHOMENUS.³

¹ Smyrna, Sardis, and Colophon followed this example. In 1862, M. Waddington (*Inscr. de l'Asie min.*, No. 136) found an inscription containing a declaration of war of the Ephesians against the King of Pontus, and the decrees designed to give more vigor to the defence, such as the abolition of debts secured by notes of hand, the removal of debtors' incapacities, etc. Eight years later, Mr. Wood discovered in the ruins of Ephesus a legal fragment (ninety-eight lines), the longest text of the kind which has come down to us in Greek. This fragment, of later date than the peace imposed by Sylla upon Mithridates, relating however to mortgages which had become extremely numerous in consequence of the enormous burdens imposed upon the cities, is a document throwing much light upon Greek legislation in respect to debts. See R. Dareste, *Revue historique du droit français et étranger*, 1877, pp. 161-175.

² Licinianus says fifty thousand.

³ EPXO EY, commencement of the city's name; and monogram. Diota or vase. On the reverse, a Boeotian buckler, and an ear of corn. Silver coin of Orchomenus.

“which commences from the city of Orchomenus, spreads out unbroken and clear of trees to the edge of the fens in which the Melas loses itself.” Archelaus advised delay in order to exhaust the resources of the enemy; but Dorylaus reproached him with



RUINS OF ORCHOMENUS.¹

his recent defeat, as if it were treason, and was eager to fight. Sylla took up a position facing the Asiatic army; and to hinder the movements of the cavalry, he cut the plain with ditches, leaving free only that part which led towards the marshy ground, in the

¹ Guhl and Koner, *Das Leben d. Gr. u. Röm.* fig. 70. Aeropolis of Orchomenus built upon an isolated rock. [The famous “treasure-house of the Minyae,” a prehistoric sepulchre described by Pausanias, has been lately exhumed and described by Dr. Schliemann, in the *Hellenic Journal*, vol. ii. Unfortunately, the bee-hive roof, covered with an artificial hill, had fallen in a few years before his excavations:—*Ed.*]

hope of seeing them entangled there. His soldiers were actively employed in the trenches when Dorylaeus fell upon them with immense force, dispersed the laborers and the supporting troops, and for a moment put the Roman army in peril. Sylla was obliged to stake his life to check the panic. Leaping from his horse and seizing a standard, he rushed in among the fugitives, crying out: "When they ask you where you abandoned your general, remember to say it was at Orchomenus!" These words brought them to a stand; and, two cohorts from the right wing coming to his aid, he drove back the enemy, and then brought his troops into camp, where he caused them to rest and take food. Confidence and order being re-established, he sent them again to the trenches, and, after a second and violent combat, he succeeded, towards evening, in driving the enemy back into their camp. On the next day, as soon as it was light, he resumed his approaches, and on being attacked, routed the Asiatics, and pursued them to their camp, which he took by storm. A general massacre ensued, and the marshes and lake were filled with dead bodies.¹ Two centuries and a half later, bows and breastplates and swords continued to be found there, buried deep in mud. The Asiatic army was annihilated, — a splendid military operation, like those of Caesar later, the smaller army surrounding and destroying the larger.

Thebes, whose fidelity had been for a time doubtful, and three other Boeotian cities, shared the fate of Athens (85), and the whole of Greece trembled.

Whilst Sylla was gaining this second victory, Flaccus had advanced into Asia; but, on his way through Thessaly, he could not prevent a large number of soldiers deserting from his army to join that of Sylla. Threatened by two armies and having lost his own, Mithridates secretly endeavored through Archelaus to make terms with the conqueror; proposing to furnish Sylla with money, troops, and ships, to secure his return into Italy, if the Roman general would promise to him the undisturbed possession of Asia.² Sylla required the restitution of all the king's conquests,

¹ [In these same marshes the infantry of the grand Catalan Company destroyed the flower of the Frankish chivalry then ruling Greece, A. D. 1310. (Cf. Finlay's *Greece*, vol. iv. p. 150.) — *Ed.*]

² Archelaus perhaps sold himself to Sylla, who gave him great estates in Euboea, ten thousand plethra. (Plut., *Sylla*, 23.)

and of all captives and fugitives; the payment of two thousand talents; the restoration to their respective countries of all exiles, Chiotés and others; and the gift of seventy brass-beaked galleys.¹ These conditions were moderate, since they merely established the *status quo*, and left the king's massacres unpunished. Each day, however, new refugees from the Roman proscriptions were taking shelter with Sylla; and he needed peace if he could obtain it with honor. While the king deliberated, the Roman general led his army into Thrace, for the purpose of punishing those tribes who, as allies of Mithridates, made constant raids into Macedon; and still more with the intention of occupying his troops, and giving them opportunities for plunder. This expedition, which brought him nearer Asia, was nearly concluded, when the King of Pontus made reply that he would consent to everything except

the furnishing of the galleys, and the relinquishment of Paphlagonia; and he gave it to be understood that he could obtain better terms than these from Fimbria.

That general had killed the consul Flaccus at Nicomedia, taken command of the consular army, and was carrying on war on his own account. He had defeated a son of Mithridates, and advanced rapidly as far as Pergamus, whence the king had scarcely time to make his escape. Lucullus, whom Sylla, during the siege of Athens, had directed to collect vessels from Egypt, Phœnicia, Cyprus, and Rhodes, was cruising



TURRETED HEAD FROM CYPRUS.²

in these waters with a fleet; but he suffered the king to escape him. It was an act of treason towards Rome; for the capture of Mithridates at that time would have saved her twenty years of sacrifices and anxieties. But Lucullus was true to his party. It

¹ Plut., *Sylla*, 22; Livy, *Epit.* lxxxiii.

² Terra-cotta figurine in the museum of the Louvre. (Heuzey, *Figurines*, etc., pl. 157.)

could not be endured that a partisan of Marius should have the honor of terminating the war. Fimbria revenged himself upon Ilium, which he destroyed for having sent an embassy to Sylla; and he then gave up to the rapacity of his soldiers Mysia, the Troad, and Bithynia.¹ Mithridates hoped to profit by the rivalry of the two chiefs; but Sylla feigned indignation. "I thought to have seen him prostrate at my feet to thank me," he said, "for leaving him so much as that right hand which has murdered so many Romans. When I come over into Asia he will speak another language." Mithridates did, in fact, humiliate himself, and beg for an interview, which took place at Dardanus in the Troad. The king had with him twenty thousand foot-soldiers, six thousand horse, a great number of scythe-armed chariots, and two hundred vessels on the sea. Sylla was accompanied only by four chariots. But when Mithridates, advancing to meet him, held out his hand, Sylla asked, first of all, whether he were ready to accept the offered terms; and as the king made no answer, "How is this?" said the Roman; "ought not the petitioner to speak first, and the conqueror to listen?" Mithridates finally found it best to submit to everything, and at the close of the interview set sail at once for Pontus. Fimbria was at this time in Lydia. Sylla marched against him; and, his soldiers going over to the latter, Fimbria, in despair, took his own life (84).

Mithridates being driven out of the province of Asia, Nicomedes and Ariobarzanes once more established in their kingdoms, and the troops of Fimbria being won over, nothing now remained but to pay the soldiers the rewards of victory, and punish the province. Many cities were sacked and destroyed; others beheld their walls thrown down, and their citizens sold into slavery or put to death. The slaves whom Mithridates had liberated were sent back to their masters, and the invaded lands restored to their original owners. It was a new social revolution. After the military executions, followed exactions of every kind. The army was distributed through the cities, and quartered upon the inhabitants. Each soldier was to receive, from his host, sixteen drachmae daily (about two dollars and sixty-five cents), with a meal for

¹ Diod., *Fr.* 131; App., *Mithrid.* 53.

himself and as many friends as he chose to bring; each centurion fifty drachmae, with a suit of garments for the house, and another for the street. Finally, Sylla convoked the deputies of the province at Ephesus, and declared to them, in terms that permitted no hesitation, that the province would be required to pay immediately the taxes of the five years past since the defection, amounting to twenty thousand talents,¹ the expenses of the war, and whatever sums might be necessary for the reconstruction of the province. Money being extremely scarce among cities so often given up to pillage, the theatres and gymnasia and even the very walls of the town were given in pawn to the usurers. This settlement cost Asia more than one hundred and twenty million dollars; but Sylla was paying in advance the soldiers who were to fight for him in the Civil war.

¹ App., *Mithrid.* 61-63; Plut., *Sylla*, 25; *Luc.* 4. The allies, in 1815, made similar requisitions in the provinces of France (Vaulabelle, *Hist. des deux Restaur.* iii. 345); and in the war of 1870-71, the Prussians exceeded the exactions which had been, up to that time, cited as the most memorable instances of a conqueror's arrogance.



A GREEK WARRIOR (FROM A PAINTED VASE).



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